

**SUBJECT**

Heritage Academy Annual Update

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

Heritage Academy (HA) is a public charter school authorized by the Public Charter School Commission (PCSC). Located in Jerome, Heritage Academy opened in fall 2011 and serves students in grades K-6 using a basic curriculum enhanced with the Schoolwide Enrichment Model.

**DISCUSSION**

Heritage Academy will provide an update on the status of the school.

HA received a [2012 Star Rating](#) of 1 out of 5; the school's [2013 Star Rating](#) is again of 1 out of 5. HA did not submit an appeal to the State Department of Education (SDE) regarding its 2013 Star Rating.

Heritage Academy's 2013 Star Rating results are concerning, particularly since the school's overall points dropped from 48 out of 100 in 2012 to 27 out of 100 in 2013. Based on Star Rating data, Heritage Academy is one of the two lowest-performing, non-alternative schools in the state (one other school received the same number of points as HA). Six alternative schools received lower scores than HA.

The percentage of HA students demonstrating proficiency on the ISAT exam dropped in all subjects between 2012 to 2013, from 86.3% to 77.3% in reading, 75.3% to 62.5% in language arts, and 73.4% to 62.5% in math. HA's results in the Growth to Achievement and Growth to Achievement Subgroups categories indicate that the school received 20% of available points in these categories in 2013, down from 33% of points in Growth to Achievement and 26.7% of points in Growth to Achievement Subgroups in 2012.

The 2013 Growth to Achievement results indicate that the general student population at HA is not growing at a rate that will allow the students to achieve proficiency within three years. The Student Growth Percentiles of 12 in math, 17.5 in reading, and 19.5 in language arts indicate that the growth rate of HA's general student population is significantly lower than that of their academic peers.

Heritage Academy appears to be operating out of compliance with special education rules and regulations. In May 2013, the SDE received a complaint and initiated an investigation, later finding HA to be out of

compliance with regard to 9 of the 10 allegations in the complaint. The investigation results are included with these materials. The SDE will provide increased monitoring and support to HA during the 2013-2014 year.

Heritage Academy faces financial challenges in the coming years if appropriate adjustments are not made. HA's FY13 expenditures exceeded revenues by over \$64,000, and school officials anticipate a FY13 carryover of approximately \$25,000.

The FY14 projected budget is based on the assumption that the school will secure a USDA loan to finance a facility purchase. The loan would, in replacing the existing lease-to-purchase agreement, lower the interest rate and monthly payments while increasing the loan term from 30 to 40 years. The amount of the loan would exceed the purchase price in order to pay for upgrades intended to lower future maintenance costs. If successful, this plan anticipates that the school will end FY14 with a carryover of \$32,000.

HA's reserves have been largely depleted by two years of significant deficit spending; additionally, HA had approximately \$230,000 of balloon payments due in July 2013. The school has not updated PCSC staff regarding whether these payments have been renegotiated or paid. It appears that if attempts to secure the USDA loan prove unsuccessful, HA will face fiscal instability in FY14 and beyond. The probability of HA obtaining the USDA loan is unclear.

In May 2013, PCSC staff issued to HA a courtesy letter notifying the school of a variety of concerns related to compliance, operations, and finances. The purpose of the letter was to provide the HA board with maximum opportunity to address the concerns in advance of an eventual renewal or non-renewal decision. HA's response is included with these materials.

#### **IMPACT**

Pursuant to I.C. §33-5209(C)(3), if the PCSC "has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern." The SDE may, upon receipt of this notification, modify the school's payment schedule such that the payments are equal rather than weighed toward the beginning of the school year, thereby protecting taxpayer interests in the event of a mid-year closure.

#### **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends that the PCSC direct staff to issue to the SDE written notice of concern regarding Heritage Academy's ability to remain fiscally

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sound based on the school's minimal carryover from fiscal year 2013 to fiscal year 2014 and the uncertainty regarding Heritage Academy's capacity to finalize the facility financing needed for the school to remain fiscally stable through the 2013-2014 school year.

**COMMISSION ACTION**

A motion to direct staff to provide the SDE with written notice of concern that the PCSC has reason to believe that Heritage Academy cannot remain fiscally sound for the current and upcoming fiscal years.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**Idaho Public Charter School Commission  
Site Visit Report**

School	Heritage Academy (HA)
Address	500 S. Lincoln Avenue, Jerome, ID 83338
Date of Site Visit	April 25, 2013
PCSC Staff Present	Alison Henken, Charter Schools Program Manager
Board Member(s) Interviewed	Blair Crouch, Chair
Administrator(s) Interviewed	Christine Ivie, Superintendent / Administrator
Business Manager / Clerk Interviewed	Cheryl Kary, Business Manager Jason Peterson, Board Treasurer
Other Stakeholder(s) Interviewed	Students (8), Staff (4)

**Board Member(s) Interview**

Blair Crouch, Board Chair, participated in the interview. Mr. Crouch is one of the school’s founders and has been on the board since 2008; he became the Board Chair in July 2012. He described the school’s mission as a commitment to help students succeed. When asked to elaborate on the school’s approach, he responded that the Schoolwide Enrichment model is a method of teaching that they believe help kids “think outside of the box” and have fun while learning. Though he has learned that building a public charter school a success is not easy, he feels it is a worthwhile endeavor.

Mr. Crouch feels the board has a “wonderful” relationship with the administrator, Christine Ivie. He described Dr. Ivie as hands-on, driven, and committed to doing what it takes to help students. While the board and administrator have had differences of opinion in the past, they have worked them out so they are all on the same page. In describing the division of roles and responsibilities between the board and administrator, Mr. Crouch stated that the administrator carries out the day-to-day operations and implements the mission and goals established by the board. The board members each have an area of responsibility based on their background and skills (facilities, curriculum, etc.) and they work with Dr. Ivie to address issues related to their focus area.

When the school was initially established, the founders brought in a professional management company to train the board. Since then, a couple of board members have attended ISBA trainings, but there have not been any other significant board training activities. The board has an annual retreat in the summer to discuss the vision and goals of the school and to evaluate the school and the board. These evaluations are generally done informally through discussion as a part of the retreat.

The Heritage Academy board is currently in the process of applying for loans that will allow them to purchase the school’s building and make improvements. HA currently has a two year, lease-to-own agreement with Magic Valley Christian School, the previous occupant and current owner of the facility. The terms of the agreement include balloon payments scheduled for summer 2013; board members have met with the owners to discuss amending the agreement to extend regular lease payments and delay the balloon payments based on the school’s current efforts to acquire a loan that will allow them to purchase the facility. HA is working with D.L. Evans Bank for a bridge loan that would allow them to purchase the facility and do a construction loan with the USDA as a guarantor, which would result in facilities improvements. They are hopeful that they will have financing in place by the beginning of the 2014 year (ie. approximately January 2014).

When asked about concerns he has related to the school’s operations, academics or finances, Mr. Crouch identified concerns in each area. In regards to operations, the board recognizes the need

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to maintain and improve the school's facilities and to take the curriculum "up a notch" in order to attract more students. He also feels that teacher training can be improved. In terms of finances, he stated that the school needs to strive for and maintain a positive cash flow. Academically, he feels that while the school's students are doing "okay," they need to do a lot better. He feels that the students want to learn but that they can apply themselves more.

### **Administrator(s) Interview**

Christine Ivie, Superintendent / Administrator, participated in the interview. Ms. Ivie feels that she works well with the board; she enjoys working with the board members. She described them as people with good character who care about the school. She noted that every once in a while, she feels there are awkward moments as a result of her work history and experience; these moments are typically the result of her reminding the board of processes / procedures they should use (for example, to keep in line with open meeting laws) even though she recognizes that she works for them. She tries to stay in her role as much as possible while giving the board helpful guidance in areas that relate to compliance. Similarly, she feels that in the past, the board has been more hands-on and involved because of challenges at the school but that they are now moving to a more clear and ideal division of roles.

The administrator feels that she has a "good, collaborative relationship" with the teachers and staff of Heritage Academy. She recognizes that there are times when staff may be too busy to connect as much is ideal, but they have set aside one day per month for collaboration. HA will have some teacher turnover next year; Ms. Ivie reported that 3-4 teachers are leaving at the end of the school year, but stated that for most of these teachers, their departure is due to personal reasons.

Ms. Ivie measures success at Heritage Academy through a variety of factors. Student data, both from standardized testing and progress monitoring, is a consideration. She also monitors student behavioral issues, as she feels that a decrease in issues over time will be a sign of success. Ms. Ivie also stated that the growth of students with IEPs (from 4 to 24 this school year) is a good sign to her that more families are feeling like their students can fit in and be served by the school. Finally, she believes that building a school schedule that limits the extra things that teachers have to do while still offering students enrichment like music is a success.

When asked about concerns she has about the school's operations, academics or finances, Ms. Ivie identified several areas for improvement. She believes teacher collaboration can improve, since most collaboration currently occurs as a reaction to a given teacher needing help, rather than as a regular practice. She is hopeful that next year's teaching staff will have a broader range of experience and that collaboration will happen more naturally. Additionally, she is concerned with ensuring that there is enough time to do training for the school's teachers and paraprofessionals. Similarly, she has to balance financial constraints with the need to ensure that teachers have a manageable workload and enough support, particularly if enrollment remains at or below 210 students next year. Building maintenance as it relates to finances is another concern, though Ms. Ivie is hopeful that loans will be in place by midyear in FY14 and will allow HA to make facilities improvements. In regard to academics, Ms. Ivie is "extremely worried" about some of the school's 1<sup>st</sup> and 2<sup>nd</sup> graders, as she feels that instruction was poor for many of them in 2011-2012, so they are behind. She also has concerns about how well the Star Rating System reflects the school's performance, since she believes that HA's data reflected too few students this year.

Toward the end of the interview, Ms. Ivie also noted that HA had to do additional training this year to ensure that teachers understand IEP implementation and what happens during pullouts, so that they know when to do referrals for other supports. HA has hired a full-time special education teacher for 2012-2013.

Finally, Ms. Ivie spoke to the PCSC staff member about adjusting the school's enrollment and class sizes for FY14. The PCSC staff member recommended that Ms. Ivie refer to the approved charter and follow up with proposed charter amendments as needed.

### **Business Manager / Clerk Interview**

Cheryl Kary, Business Manager, Christine Ivie, Superintendent, and Jason Peterson, Board Treasurer, participated in the interview. When asked about how they feel the school is doing financially, Ms. Ivie responded that though the budget is really tight, the board is fiscally conservative and Ms. Kary is detail-oriented. Mr. Peterson added that the board is trying to reduce the school's lease payments, which would help.

In developing the budget, after Ms. Ivie estimates enrollment, Ms. Kary and Ms. Ivie figure out the support units and apportionment. Ms. Kary reviews the expenses from the previous year and uses actuals for budgeting purposes, though she also makes an effort to estimate revenue low and expenses high to build in a buffer. Once realistic budget drafts are in place, they are sent to Mr. Peterson, who reviews them. During the school year, Mr. Peterson reviews the financial statements and checks for any problems or mistakes. He also supports Ms. Kary and Ms. Ivie in their efforts to review the budget and make adjustments throughout the year so that HA can end the year with a carryover. Mr. Peterson feels the school is still in a growth phase and recognizes that they need to increase enrollment to make the budget more manageable. In FY13, HA has had approximately 180 students enrolled; Ms. Ivie stated that she feels that having between 210 and 230 students would be more ideal.

### **Student Meeting**

The PCSC staff member had the opportunity to meet with eight (8) students in grades one through six. The students were open and honest during the discussion and appeared to have an understanding of the schools strengths and weaknesses. Below are the questions presented to the students and their summarized responses:

What can the school do better?

- Teaching strategies could be better; the way that curriculum and information is presented could be more engaging – right now, it often feels informational and boring
- There could be more different and fun ways to learn things – we would like to have more collaboration and projects
- Teacher-student connections could improve – teachers could do better at learning about students, finding out what they need help with, and adjusting to that
- Bullying is a “major issue.” Teachers should get more involved and step-in to prevent and address bullying
- The rules could be more enforced and teachers could manage students and their behaviors better – students should be expected to be more respectful of teachers and each other
- The school could be safer – both inside and outside. The fence around the school has broken / sharp pieces and sections that are falling down, but kids go play with it
- The building and playground need work – there are areas of the school that really need painted (like the lunchroom) and the playground could have more things to do and be cleaner and safer
- In the computer lab, we should spend our time learning to research or work on projects rather than just playing games
- We would like to have a better library and more library time, especially if there is librarian or someone there to help us use our time well (for research, etc.)

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- Recess has been decreased, but we'd like to have consistent recess at least 2 times per day, because we need the break and the opportunity to get our energy out
- We'd like a little flexibility with the uniforms; just to be able to wear shorts or open toed shoes in the spring would help – long pants with socks and shoes gets really uncomfortable at certain times of year

Students were told that the interviewer would make a statement and they should give their level of agreement to the statement using a hand signal- each student could give one thumb up (definitely yes), a thumb to the middle (sort of / not so much), or a thumb down (definitely no). The statement and results were as follows:

I feel challenged academically at this school.

- Yes (thumb up): 1
- Sort of / not so much (thumb to the middle): 4
- No (thumb down): 3

Based on the responses the PCSC staff member asked a follow-up question and received the following responses:

Why did you respond that way?

- It feels like teachers are teaching to the middle or the even the low -- students who are performing at grade level aren't pushed to go beyond that and some students are even falling behind
- I felt challenged when my teacher was doing parts of the Common Core, but then the teacher said we were going to go back to our curriculum, which feels easy and boring
- In some subjects, I feel challenged, but in most, I do not.
- Sometimes I feel challenged because I don't understand what I'm supposed to do because the assignment wasn't explained well by the teacher, and even when I ask the teacher to explain it differently or help me, he/she doesn't. Once I find out from another student or from my mom or dad what I'm supposed to do, then it isn't hard. Teachers need to explain things better and help more.
- The things that they are teaching me here are new to me and not things I have learned before, so I feel challenged.

What do you like about your school?

- I like that they have more special things than other schools, like art, music, computer lab, and clusters
- The small classes
- Some teachers are nice and connect with students and really try to help us understand things
- Walk 2 Read
- I like being able to research on my own and I like being able to help other kids
- The uniforms – nobody can make fun of what you're wearing because you're all wearing the same thing

### Staff / Teacher Meeting

The PCSC staff member had the opportunity to meet with four (4) HA staff, including one (1) teacher, one (1) paraprofessional, and two (2) other staff members. Below are the questions presented to the staff and their summarized responses:

How can Heritage Academy improve? What can the school do better?

- Overall, communication could improve -- we need a more clearly specified and organized line of communication so if decisions or changes are made everyone within the staff finds out
- Communication with parents could also improve; we need to make sure parents are well informed about the school and what is available
- We have young teachers and staff and are expected to have a steep learning curve, so more professional development and training would help; we also need follow through on what we learn and more collaboration / teams amongst teachers
- We could use more defined job roles and expectations and information on where to go for training – there are too many people wearing too many hats without knowing who they can go to get questions answered; we are having to teach ourselves how to do multiple jobs and it makes us feel like we can't do any of our work really well
- Facilities need improved – the building and playground need work, and we could really use a gym
- It feels like there are too many kids and not enough teachers

How prepared do you feel Heritage Academy is for the implementation of the Common Core State Standard (CCSS) and the Smarter Balanced Assessment?

- It really varies depending on the teacher; some teachers are really prepared and have already transitioned, while others teachers are still paying attention to the old Idaho State Standards or are just implementing the curriculum in a straightforward way without looking at the CCSS
- Teachers are trying to move in the right direction with our assessments to prepare students for the SBA, but we know we need to do more – this is going to be a big transition
- We would like to see some effort to communicate with parents about the transition and to help them understand how school will be changing for their kids and what they can do at home to help – it would be ideal if this was done parent-to-parent (like through a PTA info session or something), because we think parents might pay more attention to it that way

What do you like about working at this school? What's going well?

- This year, operations and staff have improved – we're coming together and getting more organized
- We see student growth, but there is still a gap between the mission and vision of the school and the reality
- Our administrator deals well with people and is trying to get us going on the right track
- We have a supportive, knowledgeable, hands-on board
- As a teacher, I like that I have the flexibility to do what I think needs done to help my students learn
- Our teachers and staff are dedicated – we want what is best for the kids

## **Documents Review**

### Finances

The FY12 end year and FY 13 year-to-date finances were reviewed in person. Questions were answered by Cheryl Kary, Business Manager, Christine Ivie, Superintendent, and Jason Peterson, Board Treasurer. The school had a single-year deficit in FY12 (expenditures exceeded revenue) but ended the year with a carryover of approximately \$90,000. HA requested an advance payment at the beginning of the 2012-2013 school year (FY13), and Ms. Kary confirmed that the estimated support units were higher than the actual calculated support units during the school year. Based on a review of the year-to-date finances and feedback from the Business Manager and Board Treasurer, it is likely that HA will again have a single-year deficit in FY13. HA currently estimates that they will end FY13 with a carryover of approximately \$5,000. The school is currently working on draft budgets for FY14 and has a tentative budget based on likely enrollment that would increase the carryover by approximately \$7,500 in FY14. Heritage Academy's finances are very tight; for long-term stability, it will be critical for the school to increase enrollment and begin to build a carryover and reserves.

### Special Education Files

Two (2) special education files were selected at random by the PCSC staff member for review. All of the reviewed files were complete and well-organized, including up-to-date IEPs, accommodations, LRE forms, and eligibility reports.

The PCSC staff member noted that HA does not have a full-time special education staff person at this time. Though the special education files were organized, the PCSC staff member does have concerns about the capacity of the school to serve over 20 students with IEPs without a full-time special education teacher. Ms. Ivie showed the PCSC staff member a schedule of groups receiving interventions. The groups combine students who are receiving special education, Title 1, and other support services.

The PCSC staff member observed the room used for both special education and Title I services. The room felt chaotic and disorganized. Though there was a staff member reading with a small group of students and an aide working with an student one-on-one, approximately half of the students in the room were sitting at tables independently or with other students and were not receiving any guidance or support from staff. Many of these students were not engaged in learning, but were sitting quietly, and during the brief observation time, they were not redirected. The PCSC staff member was not able to ascertain which of these students were receiving special education or Title 1 services, but left with concerns about the use of how services are being structure and provided at this time.

## **Classroom Observations**

The PCSC staff member had the opportunity to observe six (6) classrooms at Heritage Academy, and the impression these observations gave was mixed and somewhat concerning. In two classrooms (which had been identified / scheduled by the administrator for observation), teachers was facilitating discussions and the majority of the students were actively engaged in learning. In these classrooms, minimal behavior issues were observed. On the other hand, the four remaining classrooms all included behavior issues and classroom management challenges to varying degrees. In two of these classes, engagement levels were low and student behaviors were relatively distracting. The PCSC staff member noted that during the observation time (approximately one hour total) curriculum was usually delivered through standard methods, including lectures, reading from textbooks, and individual work on worksheets, and in most of these classrooms, there were behavioral and/or engagement challenges. Pacing, transitions, and

behavior management seemed to present challenges for some teachers. It appears that HA may benefit from increased training and support around classroom management and implementation of the core instructional methods associated with HA's Schoolwide Enrichment Model (focusing on individual students strengths and interests, life applications and hands-on learning, and critical thinking).

## **Summary**

### Strengths

- The board and administrator report having a good working relationship
- Students report liking the small class sizes and some of the schools special programs, including Walk 2 Read, art, music, and the computer lab
- Staff feel that things have improved this year – the school is more organized and the teachers and staff are dedicated to the school and students

### Challenges or Areas for Improvement

- Academics need improvement as reflected by the school's 1 Star Rating
- Finances are very tight and loan negotiations are critical to future fiscal stability
- Based on student feedback classroom observations, instructional methods, engagement and behavior management could be improved
- PCSC staff is concerned that the combined Title I and special education room, scheduling, and interventions may not be an effective service delivery method

### Concerns

- The school's 1 Star Rating, particularly low points in the Student Growth sections, is of concern.

### Possible Charter Violations

- There are no apparent charter violations at this time.

### Possible Charter Amendments

- Based on conversations with the administrator, HA may propose amendments related to class sizes and/or grade-based enrollment caps.

### Recommendations

- PCSC staff recommends that the board and administrator work with teachers and staff to clarify roles and improve staff training, professional development, and collaboration
- PCSC staff recommends that the board and administrator review the school's current methods for providing special education and Title I services to ensure the school is providing strong services while being in compliance with laws and regulations.
- PCSC staff recommends that the administrator, clerk, and board all remain diligent in monitoring their finances to give them the best possible chance of ending the year with a carryover

### Materials or Follow-up Requested of the School

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No follow-up was requested; the administrator and some board members participated in a meeting with the Charter Schools Program Manager regarding the school's Star Rating on October 10, 2012.

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## CHARTER SCHOOL DASHBOARD

Date: July 12, 2013

**School Name:** Heritage Academy

**School Address:** 500 S. Lincoln

**School Phone:** 208-595-1617

**Current School Year:** 2012-13

**School Mission:** Heritage Academy will allow students to participate in instruction leading them to develop meta-cognitive skills. Those skills will allow them to learn how to solve real-life problems and organize information. Our students will graduate with skills in both the core content areas and in critical thinking that lead to success in school, the workforce and the community.

### CHARTER SCHOOL BOARD

Board Member Name	Office and Term	Skill Set(s)	Email	Phone
Blair Crouch	Chair Term Ends 6/30/15	Business	crossroadspoint@live.com	208-280-1079
Teresa Molitor	Secretary Term end 6/30/15	Attorney	teresa@molitorandassociates.com	208-860-9968
Jason Peterson	Treasurer term ends 6/30/15	CPA	jpetersoncpa@gmail.com	208-324-8187
Anneli Crouch	Term ends 6/30/14	Business	accrouch@live.com	208-280-2610
Amanda Bell	Term ends 6/30/15	Education	a.bingham@live.com	208-410-5854
Kala Tate	Term ends 6/30/14	Marketing	jorisboxer1227@yahoo.com	208-420-5887
Vacant Seat				

### ENROLLMENT

Grade Level	Current Enrollment	Current ADA	Current Waiting List	Previous Year's Enrollment	Previous Year's ADA
<b>K</b>	25	NA	22	45	40
<b>1</b>	36	NA	3	30	27
<b>2</b>	27	NA	3	25	22
<b>3</b>	26	NA	4	26	23
<b>4</b>	26	NA	5	17	15
<b>5</b>	25	NA	0	19	17
<b>6</b>	17	NA	0	20	18
<b>7</b>	22	NA	0	NA	NA
<b>8</b>	0	NA	0	NA	NA
<b>9</b>	0	NA	0	NA	NA
<b>10</b>	NA	NA	NA	NA	NA
<b>11</b>	NA	NA	NA	NA	NA
<b>12</b>	NA	NA	NA	NA	NA
<b>TOTAL</b>	204	NA	NA	182	162

Student Attrition Rate: N/A

**Is your school planning to increase or decrease enrollment opportunities for the upcoming school year?** increase

**If yes, briefly describe planned enrollment changes, including numbers and grades affected:**

We are adding 7th grade and requesting approval of an amendment to our charter allowing for 24 students in each class (grades K & 1); 26 students in each class (grades 2 & 3) and 28 students in each class (grades 4-7). We had been adding one classroom per grade (2 classes total in grades K & 1 during 2012-13) and would like to focus on 1 class per grade until our waiting list numbers justify additional classes. As a result, we would like permission to accommodate a larger number of students (39 in 1st grade - 2 classrooms; 27 in grade 2 - 1 classroom) in order to accommodate the students from the 2 grade levels that have had 2 classes per grade. As students in these 2 grade levels leave HA, we will not fill their enrollment spaces, resulting in limiting our classes to one per grade, within the limits proposed in the attached amendment. Until these two grade levels decrease, through attrition, however, we would like to accommodate the students who have been attending HA and have "returning student" preference in our lottery process.

**STUDENT DEMOGRAPHICS**

School Year	Hispanic (# and %)	Asian (# and %)	White (# and %)	Black (# and %)	American Indian (# and %)	LEP (# and %)	FRL (# and %)	Special Education (# and %)
<b>Current</b>	28/15	0	152/83	0	2/.01	2/.01	120/65	25/13
<b>Previous</b>	18/12	0	119/83	0	5/.03	2/.01%	85/59%	10/.06%

**FACULTY AND STAFF**

**Administrator Name(s):** Dr. Christine Ivie  
**Administrator's Hire Date:** 7/1/12  
**Administrator Email(s):** civie@heritageacademyid.org  
**Current Classified Staff (# FTE):** 8  
**Classified Attrition Rate:** 1%  
**Current Faculty (# FTE):** 11  
**Faculty Attrition Rate:** 30%

**EDUCATIONAL PROGRAM**

**Did your school make AYP during the last school year?** Yes  
**If no, please specify indicator and status:** 1 star school  
**If no, please describe plan for addressing need:** Star Rating Rapid Improvement Plan submitted to SDE and Commission; Participation rate has already been addressed with 100% participation on ISAT and IRI for 2012-13. We are currently analyzing ISAT and IRI results and will determine whether growth measures were met to increase star rating. We have established a comprehensive professional development and student progress monitoring plan to increase student proficiency and growth in all core content areas.  
**Was your school selected to participate in NAEP this year?** NA

**REPORTING**

**Date of last programmatic operations audit?** 5/12  
**Date submitted to authorizer?** 10/12  
**Who performed your most recent programmatic audit?** Charter School Network  
**Date of most recent fiscal audit?** July 2012  
**Date submitted to authorizer?** October 2012

**COMMENTS**

**Please describe any significant changes experienced by your school in the past year:**

We have hired a new administrator and new teachers with significant experience in education. In addition, we have worked to create a strong foundation for our federal programs as well as our core instructional program .

**Please describe the greatest successes experienced by your school in the past year:**

We have an extremely diverse student body and have worked hard to make sure the people in our community know that HA is an option for all students. We have approximately 65% of our students receiving free or reduced price lunches. We had 15% of our students identified as having disabilities (as parents began to identify HA as a good education option for their children in the Magic Valley). We have recruited strong staff members and made significant progress in creating new programs (both SEM-related programs and federal programs)

**Please describe any challenges you anticipate during the upcoming year:**

Our two biggest challenges this year are: 1)moving all of our federal programs forward and making 2-3 years' progress instead of 1 year. The challenges that HA faced during its opening year created a huge deficit for our 2012-13 and 13-14 staff to overcome. As a result, all of our federal programs had significant findings during monitoring visits. We believe this is because our school was operating more closely to a first-year school or a school that needed to make significant changes. These changes were made, however, the visits/monitoring still included findings due to the huge amount of progress needed in the 2013-14 school year (and the fact that our administrator and Title I coordinator were filling multiple full-time roles while trying to complete all of the required initial set-up work and changes necessary for compliance). We anticipate the rest of the changes will be complete during the 2013-14 school year both because we have continued to make progress over the summer, and because we have hired a full-time special education teacher/coordinator and a full-time federal programs (Title I, III, etc.) coordinator in addition to our school counselor and administrator.

**Please add any additional information of which you would like to make your authorizer aware :**

We are proud of the low-cost of our facilities and our use of an old school building and used furniture, etc. This has helped us deal with the loss of the State's charter start grant funding. We are extremely proud of the work our staff members have done this year as well as the conservative approach our board takes in managing the school's finances.

**REQUIRED ATTACHMENTS**

- Most recent ISAT and IRI results (as applicable)
- Chart comparing ISAT and IRI scores over the past four years of operation (as applicable)
- Goals attainment report comparing the measurable student educational standards in your charter to actual results.
- Most recent parent/stakeholder satisfaction survey results
- Budget actuals for most recent month-end
- Budget estimates for remainder of current year, and fiscal outlook for next year
- Exit interview data for most recent school year



Building upon a noble heritage.

## Heritage Academy Goals Attainment Report

### Measurable Student Education Standards

The following “Measuring Student Progress” is from Heritage Academy’s Charter:

#### **Measuring Student Progress I.C. 33-5205(3)(b)**

The goal we will constantly strive for and expect at Heritage Academy is that 100% of our students will exceed the minimum proficiency requirements on all state-mandated testing and other testing that may be instituted or required in the future. However, understanding that the rate at which students may arrive at this point varies, **Heritage Academy will expect that within three years of students being consecutively enrolled at the school:**

- 80% of 2nd, and 3rd graders will be at “Benchmark” or a combination of “Benchmark” and “Strategic” on the Idaho Reading Indicator (IRI).
- 80% of 3rd, 4th and 6th graders will achieve “Proficient” and/or “Advanced” in each area, as applicable, on the Idaho Standards Achievement Test. Students who do not score proficient or advanced will have an individual remediation plan in place.

Because Heritage Academy just finished their second year of operation, there are no students that have been enrolled consecutively for three years.

Measurable Goals	DATA
80% of 2nd, and 3rd graders will be at “Benchmark” or a combination of “Benchmark” and “Strategic” on the Idaho Reading Indicator (IRI).	N/A
80% of 3rd, 4th and 6th graders will achieve “Proficient” and/or “Advanced” in each area, as applicable, on the Idaho Standards Achievement Test. Students who do not score proficient or advanced will have an individual remediation plan in place	N/A



Building upon a noble heritage.

## Heritage Academy ISAT & IRI Results

### 2011 IRI Results

Heritage	3	2	1
k (25)	68.00%	28.00%	4.00%
1(21)	90.48%	9.52%	0.00%
2(25)	56.00%	36.00%	8.00%
3(24)	83.33%	12.50%	4.17%

3= Benchmark (formerly at grade level); 2=Strategic (formerly near grade level); 1=Intensive (formerly below grade level)

### Spring 2013 IRI Results

- Participation – 100% participation at all grade levels
- Kindergarten =
- 1<sup>st</sup> Grade = 57% at or above grade level
- 2<sup>nd</sup> Grade = 60% at or above grade level
- 3<sup>rd</sup> Grade = 84% at or above grade level

### 2011-12 ISAT Results

- Participation – 94.7%; all grade levels
- ISAT Reading – 89.1% proficient
- ISAT Math – 85.9% proficient
- Language Usage – 84.4% proficient

### Preliminary 2012-2013 ISAT Results

- Participation – 100% participation in all subjects; all grade levels
- ISAT Reading
  - 3<sup>rd</sup> = 81% proficient or advanced
  - 4<sup>th</sup> = 84% proficient or advanced
  - 5<sup>th</sup> = 71% proficient or advanced
  - 6<sup>th</sup> = 71% proficient or advanced
- ISAT Math
  - 3<sup>rd</sup> = 70% proficient or advanced
  - 4<sup>th</sup> = 78% proficient or advanced
  - 5<sup>th</sup> = 61% proficient or advanced
  - 6<sup>th</sup> = 38% proficient or advanced
- ISAT Science
  - 5<sup>th</sup> = 66% proficient or advanced
- ISAT Language Arts
  - 3<sup>rd</sup> = 55% proficient or advanced
  - 4<sup>th</sup> = 84% proficient or advanced
  - 5<sup>th</sup> = 66% proficient or advanced
  - 6<sup>th</sup> = 47% proficient or advanced

**August 15, 2013**



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## **Parent/Stakeholder Survey Results**

The Heritage Academy Board did complete parent satisfaction surveys. These results were to be presented at the annual spring board retreat. Unfortunately, due to scheduling conflicts, the board retreat has been rescheduled to August 13, 2013. At that time the board will review the parent surveys. Heritage Academy will send a summary of the results to the Commission by September 30, 2013.

## **Exit Interview**

No student data exit interviews are available.

HERITAGE ACADEMY #479 2012-13	Proposed (Board Approved Budget for Fiscal Year)	Actual (Through Most Recent Month End)	Projected (Anticipated Year- End Numbers)	Percentage Used (Actual / Proposed)	Notes	State Comparison (Anticipated Year End Numbers) This column for state use only.	Difference Between State and School's Projected
<b>REVENUE</b>							
Salary Apportionment	\$691,437.00	\$707,482.00	\$707,482.00	102.32%			
Benefit Apportionment				#DIV/0!			
Entitlement				#DIV/0!	Enrollment was projected at 210		
State Transportation	\$65,574.00	\$61,109.00	\$61,109.00	93.19%			
Lottery	\$7,000.00	\$8,035.00	\$8,000.00	114.79%			
Other State Funds (Specify)	\$11,600.00	\$10,083.00	\$11,600.00	86.92%	Technology Funds -		
Special Ed - Regular	\$22,100.00	\$18,261.00	\$22,100.00	82.63%			
Special Ed - ARRA				#DIV/0!			
Title I	\$32,748.00	\$37,090.00	\$32,748.00	113.26%	Includes LEP - \$500		
Federal Title I Funds : ARRA				#DIV/0!			
Medicaid Reimbursement	\$2,000.00	\$17,808.00	\$18,000.00	890.40%			
Title IIA	\$28,666.00	\$26,763.00	\$28,666.00	93.36%			
Local Revenue (Specify)				#DIV/0!			
Federal Startup Grant				#DIV/0!			
Other Grants (Specify)				#DIV/0!			
Fundraising	\$5,000.00	\$5,096.00	\$5,000.00	101.92%			
Interest Earned	\$150.00	\$186.30	\$150.00	124.20%			
Other (Specify)	\$1,300.00		\$1,300.00	0.00%	State Funds - Testing		
Other (Specify)		\$15,000.00	\$15,000.00	#DIV/0!	Professional Development		
<b>TOTAL REVENUE</b>	<b>\$867,575.00</b>	<b>\$906,913.30</b>	<b>\$911,155.00</b>	<b>104.53%</b>			<b>\$0.00</b>
<b>EXPENDITURES</b>							
<b>100 Salaries</b>							
Teachers	\$312,019.00	\$290,324.00	\$312,019.00	93.05%	Teachers including Title I Coordinator		
Special Education	\$56,000.00	\$40,315.00	\$56,000.00	71.99%	.7 Administrator - Cert Special Ed Teacher - only 100 code		
Instructional Aides	\$5,760.00	\$2,300.00	\$5,760.00	39.93%	Title I/computer Aide		
Classified/Office	\$57,120.00	\$67,076.00	\$68,000.00	117.43%	Bus Mgr, Secretaries, Custodian		
Administration	\$24,000.00	\$24,000.00	\$24,000.00	100.00%	.3 Administrator split between Admin & SPED		
Maintenance				#DIV/0!			
Other (Specify)	\$16,295.00	\$12,960.00	\$16,295.00	79.53%	Kindergarten Aide/Recess/Lunch Aides		
Other (Specify)	\$20,000.00	\$19,281.00	\$20,000.00	96.41%	Nutrition Program/Powerschool Coordinator		
<b>Total Salaries</b>	<b>\$491,194.00</b>	<b>\$456,256.00</b>	<b>\$502,074.00</b>	<b>92.89%</b>			
<b>200 Employee Benefits</b>							
PERSI/FICA/Benefits	\$95,971.00	\$36,875.00	\$95,971.00	38.42%			
Other (Specify)	\$53,280.00	\$42,500.00	\$53,280.00	79.77%	Health Insurance, Payroll Taxes, Workers Comp		
<b>Total Benefits</b>	<b>\$149,251.00</b>	<b>\$79,375.00</b>	<b>\$149,251.00</b>	<b>53.18%</b>			
<b>300 Purchased Services</b>							
Management Services				#DIV/0!			
Staff Dev/Title IIA	\$28,000.00	\$10,261.00	\$28,000.00	36.65%	covered in Title II funding above		
Legal Pub/Advertising	\$1,000.00	\$589.00	\$1,000.00	58.90%	Advertising/Marketing		
Legal Services	\$9,500.00	\$6,900.00	\$9,500.00	72.63%	Legal, Financial Audit		
Special Education	\$7,000.00	\$27,903.00	\$27,900.00	398.61%	Contract Services - students on IEPs went from 4 at beginning of year to 25 at end of year		
Liability & Property Ins	\$7,400.00	\$7,394.00	\$7,400.00	99.92%			
Substitute Teachers	\$1,500.00	\$16,137.00	\$16,137.00	1075.80%	A teacher left in the middle of the year--a long-term sub filled in for teacher		
Board Expenses	\$1,000.00	\$135.00	\$500.00	13.50%			
Computer Services	\$5,000.00	\$5,000.00	\$5,000.00	100.00%			
Transportation	\$77,145.00	\$61,109.00	\$77,145.00	79.21%			
Travel	\$500.00	\$450.00	\$500.00	90.00%			
Other (Specify)	\$6,000.00	\$5,512.00	\$6,000.00	91.87%	copier lease/2M/website - Powerschool see line 7C		
Other (Specify)	\$4,000.00	\$2,520.00	\$4,000.00	63.00%	Dues/memberships./fees/testing		
<b>Total Services</b>	<b>\$148,045.00</b>	<b>\$143,910.00</b>	<b>\$183,082.00</b>	<b>97.21%</b>			<b>\$0.00</b>
<b>Facilities</b>				#DIV/0!			

# August 15, 2013

CURRENT FISCAL YEAR BUDGET COMPARISON

Building Lease				8.63%		
Land Lease				#DIV/0!		
Modular Lease				#DIV/0!		
Utilities, Phones, Lndscp	\$16,000.00	\$24,109.00	\$24,109.00	100.86%		
Site Preparation				#DIV/0!		
Other (Specify)	\$12,000.00	\$7,492.00	\$12,000.00	41.67%	Building Maintenance/grounds	
Other (Specify)				#DIV/0!		
<b>Total Facilities</b>	<b>\$28,000.00</b>	<b>\$31,601.00</b>	<b>\$36,109.00</b>	<b>112.86%</b>		<b>\$0.00</b>
<b>400 Supplies and Maintenance</b>						
Textbooks	\$9,000.00	\$11,771.00	\$11,771.00	130.79%		
School Supplies	\$3,500.00	\$4,193.00	\$4,200.00	119.80%		
Power School	\$6,000.00	\$6,422.00	\$6,500.00	107.03%	Powerschool & 2M	
Custodial Supplies	\$3,500.00	\$2,049.00	\$2,100.00	58.54%		
Other (Specify)				#DIV/0!		
Other (Specify)				#DIV/0!		
<b>Total Supplies</b>	<b>\$22,000.00</b>	<b>\$24,435.00</b>	<b>\$24,571.00</b>	<b>111.07%</b>		<b>\$0.00</b>
<b>500 Capital Objects</b>						
Furniture	\$3,000.00	\$500.00	\$500.00	16.67%		
Technical AV Equipment				#DIV/0!		
Other (Specify)				#DIV/0!		
Other (Specify)				#DIV/0!		
Other (Specify)				#DIV/0!		
Other (Specify)				#DIV/0!		
<b>Total Capital Objects</b>	<b>\$3,000.00</b>	<b>\$500.00</b>	<b>\$500.00</b>	<b>16.67%</b>		<b>\$0.00</b>
<b>Debt Service</b>						
Specify	\$80,000.00	\$78,000.00	\$80,000.00	#REF!	mortgage pmt	
Specify				#DIV/0!		
Specify				#DIV/0!		
<b>Total Debt Service</b>	<b>\$80,000.00</b>	<b>\$78,000.00</b>	<b>\$80,000.00</b>	<b>97.50%</b>		<b>\$0.00</b>
<b>Grant Purchases</b>						
Specify				#DIV/0!		
Specify				#DIV/0!		
Specify				#DIV/0!		
Specify				#DIV/0!		
Specify				#DIV/0!		
<b>Total Grant Purchases</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>#DIV/0!</b>		<b>\$0.00</b>
Reserve Fund				#DIV/0!		
Building Fund				#DIV/0!		
<b>Total Expenses</b>	<b>\$921,490.00</b>	<b>\$814,077.00</b>	<b>\$975,587.00</b>	<b>88.34%</b>		
Carryover from Previous FY	\$90,000.00	\$0.00	\$90,000.00	0.00%	Albertsons grant reserve	\$0.00
<b>Reserve/(Deficit)</b>	<b>\$36,085.00</b>	<b>\$92,836.30</b>	<b>\$25,568.00</b>	<b>257.27%</b>		

# August 15, 2013

UPCOMING FISCAL YEAR BUDGET COMPARISON

HERITAGE ACADEMY #479 2013-14	Proposed Budget	Notes	Difference from "Current Fiscal Year"	
<b>REVENUE</b>				
Local Revenue	\$150.00	interest	\$150.00	reflects projected from "current FY"
<b>State Revenue</b>	<b>\$635,740.00</b>			
Entitlement	\$197,060.00	Proposed enrollment is 205 with addition of 7th grade	#DIV/0!	reflects State actual from "current FY"
<b>Wages</b>				
Administration				
Teachers	\$2,230.00	ISAT Remediation & IRI		
Classified				reflects all salaries compared to State actual
Medicaid	\$25,000.00		\$2,228.98	from "current FY"
Benefit			\$7,000.00	reflects projected from "current FY"
Transportation	\$67,158.00		\$67,157.07	reflects State actual from "current FY"
<b>Federal Revenue</b>			\$67,157.07	
Title I	\$38,953.00		#DIV/0!	reflects State actual from "current FY"
Special Ed	\$27,201.00		#DIV/0!	reflects State actual from "current FY"
Title II	\$28,475.00		\$28,474.07	reflects State actual from "current FY"
Startup Grant			#DIV/0!	reflects State actual from "current FY"
Other Sources (Specify)	\$7,000.00	fundraising		
Other Sources (Specify)	\$14,800.00	lottery \$4,000, Classroom Technology \$5800 IT Support \$5000		
Other Sources (Specify)	\$22,885.00	Charter School Facility Funding		
<b>Total Revenue before holdback</b>	<b>\$1,066,652.00</b>		#DIV/0!	
<b>PROPOSED HOLDBACK</b>				
Teacher Salaries		Holdbacks should be estimated at a minimum of 5% - 5.5% for FY 2011.		
Classified Salaries				
Admin Salaries				
Benefits				
Entitlement				
Transportation				
<b>Total Holdback</b>	<b>\$0.00</b>		\$0.00	there were no holdbacks last year
<b>Total Revenue after holdback</b>	<b>\$1,066,652.00</b>		\$1,066,650.95	reflects State actual from "current FY"
<b>EXPENDITURES</b>				
<b>100 Salaries</b>				
Teachers	\$402,552.00		90,533.00	reflects projected from "current FY"
Admin	\$24,000.00		0.00	reflects projected from "current FY"
Classified	\$101,462.00		33,462.00	reflects projected from "current FY"
Special education	\$55,656.00			
Other (Specify)				
Other (Specify)				
<b>Total Salaries</b>	<b>\$583,670.00</b>		123,995.00	
<b>200 Benefits</b>				
Benefit Dollars	\$67,680.00	health insurance		
PERSI/Payroll taxes	\$62,965.00			
Other (Specify)	\$53,114.00	Payroll taxes, workers comp		
<b>Total Benefits</b>	<b>\$183,759.00</b>		\$34,508.00	reflects projected from "current FY"
<b>300 Purchased Services</b>				
Transportation	\$81,900.00		\$4,755.00	reflects projected from "current FY"
Special Education	\$15,000.00		(\$12,900.00)	reflects projected from "current FY"
Proctor costs				
Legal	\$7,500.00	legal, financial audit	(\$2,000.00)	reflects projected from "current FY"
Insurance	\$8,000.00		\$600.00	reflects projected from "current FY"
Copier Lease	\$4,500.00	copier, website	\$4,500.00	
Printer Lease			\$0.00	
Facility Lease			\$0.00	reflects projected from "current FY"
Utilities	\$40,500.00	utilities, maintenance, grounds, cafeteria	\$16,391.00	reflects projected from "current FY"
Professional Development	\$32,222.00	Title II & Title I	\$4,222.00	reflects projected from "current FY"

# August 15, 2013

UPCOMING FISCAL YEAR BUDGET COMPARISON

Technology	\$10,100.00	classroom tech & IT support	\$5,100.00	reflects projected from "current FY"
Management Services			\$0.00	reflects projected from "current FY"
Legal Publications/Advertising	\$6,455.00	memberships, fees	\$5,455.00	reflects projected from "current FY"
Substitute Teachers	\$2,000.00		(\$18,137.00)	reflects projected from "current FY"
Board Expenses	\$1,000.00		\$500.00	reflects projected from "current FY"
Other (Specify)	\$1,000.00	SRO from Jerome PD,		
Other (Specify)	\$9,500.00	testing, Powerschool & 2M, travel, Title I parent involvement		
<b>Total Purchased Services</b>	<b>\$219,677.00</b>		<b>\$8,486.00</b>	
<b>Supplies &amp; Materials</b>				
Teacher/Classroom	\$4,000.00		(\$200.00)	reflects projected from "current FY"
Office	\$1,200.00	furniture	\$1,200.00	Not in 2010 budget.
Janitorial	\$2,000.00		(\$100.00)	reflects projected from "current FY"
Textbooks	\$10,000.00		(\$1,771.00)	reflects projected from "current FY"
Other (Specify)	\$4,000.00	IDEA Software & Supplies		
Other (Specify)				
<b>Total Supplies &amp; Materials</b>	<b>\$21,200.00</b>		<b>(\$871.00)</b>	
<b>Grant Expenditures</b>				
Specify				
Specify				
Specify				
<b>Total Grant Expenditures</b>	<b>\$0.00</b>			
<b>Capital Outlay</b>			\$0.00	
<b>Total Capital Outlay</b>	<b>\$0.00</b>		<b>\$0.00</b>	
<b>Debt Retirement</b>			\$0.00	
<b>Total Debt Retirement</b>	<b>\$51,600.00</b>	Mortgage pmt	<b>\$0.00</b>	
<b>Insurance &amp; Judgements</b>			\$0.00	
<b>Total Insurance &amp; Judgements</b>	<b>\$0.00</b>		<b>\$0.00</b>	
<b>Transfers</b>			\$0.00	
<b>Total Transfers</b>	<b>\$0.00</b>		<b>\$0.00</b>	
<b>Contingency Reserve</b>	<b>\$0.00</b>			
<b>Building Fund</b>	<b>\$0.00</b>			
<b>Total Expenditures</b>	<b>\$1,059,906.00</b>		<b>\$166,118.00</b>	
<b>Carryover from Previous FY</b>	<b>\$25,568.00</b>	Reflects projected reserve/(deficit) from "current year" worksheet		
<b>Reserve/(Deficit)</b>	<b>\$32,314.00</b>			

August 15, 2013



STATE DEPARTMENT OF EDUCATION

P.O. BOX 83720  
BOISE, IDAHO 83720-0027

TOM LUNA  
STATE SUPERINTENDENT  
PUBLIC INSTRUCTION

July 10, 2013

Dr. Christine Ivie, Superintendent  
Heritage Academy School District #479  
PO Box 378  
Jerome, ID 83338

[REDACTED]  
[REDACTED]  
[REDACTED]

**RE: Heritage Academy Charter School District #479 v [REDACTED] C-13-05-14**

Dear Dr. Ivie and [REDACTED]

Please be advised that the State Department of Education (SDE) has completed its investigation of the above referenced IDEA complaint filed by [REDACTED] against the Heritage Academy Charter School District #479.

Please find enclosed a copy of the Final Report. Ten (10) allegations were accepted for investigation. The District was found to be **in compliance** regarding one (1) allegation and **out of compliance** regarding nine (9) allegations. Once the District has completed the required Corrective Actions, the complaint will be formally closed. If you have any questions regarding this matter, you may contact me at the numbers below.

Please note: All information related to this complaint is subject to FERPA protections and should not be distributed without proper redactions. If you have any questions regarding this matter, you may contact me at (208) 332-6914 or (800) 432-4601.

Kind regards,

A handwritten signature in cursive script that reads "Melanie J. Reese".

Melanie J. Reese, Ph. D.  
Dispute Resolution Coordinator  
Division of Federal Programs

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Office Location 650 West State Street	Telephone 208-332-6800	Speech/Hearing Impaired 1-800-377-3529	Fax 208-334-2228
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**August 15, 2013**

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cc: Blair Crouch, Chairperson  
Ed Litteneker, Complaint Investigator  
Beverly Bengel, Complaint Investigator  
Shannan Mayer, SDE Regional Coordinator  
Richard Henderson, SDE Director of Special Education  
Richard O'Dell, SDE Quality Assurance and Monitoring Coordinator  
William Morriss, SDE Special Populations Coordinator  
Michelle Clement-Taylor, SDE School Choice Coordinator  
Complaint File

Enclosure

MJR:kmc

**August 15, 2013**

**FINAL REPORT  
Complaint Investigation  
Heritage Academy Charter School District #479/Bean  
C-13-05-14**

On May 14, 2013, the State Department of Education (SDE) received a systemic state administrative complaint from [REDACTED] (hereafter referred to as the Complainant) against the Heritage Academy School District #479 (hereafter referred to as the LEA). The complaint alleges that the LEA violated several provisions of the Individuals with Disabilities Education Improvement Act (IDEA) 2004. The SDE accepted the following allegations for investigation:

- Allegation 1:** Did the LEA have in effect policies, procedures and programs consistent with SDE policies and procedures? [34 CFR §300.201]
- Allegation 2:** Did the LEA provide children with disabilities IDEA compliant IEPs? [34 CFR §300.320(a)(1-7)]
- Allegation 3:** Did the LEA ensure the IEP Team for each child with a disability included the necessary Team members and that the necessary Team members attended each student's IEP Team meeting? [34 CFR §300.321(a) and (e)]
- Allegation 4:** Did the LEA ensure that the parents(s) of each child with a disability were provided notice and the opportunity to attend each student's IEP Team meeting? [34 CFR §300.322]
- Allegation 5:** Did the LEA ensure that at the beginning of the 2012-2013 school year an IEP was in effect for each student with a disability? [34 CFR §300.323]
- Allegation 6:** Did the LEA's IEP Teams properly develop, review, and revise IEPs in compliance with IDEA? [34 CFR §300.324]
- Allegation 7:** Did the LEA receive parental consent prior to the disclosure of personally identifiable information to parties other than the officials of the LEA? [34 CFR §300.622]
- Allegation 8:** Did the LEA ensure that classroom personnel, related service providers, and paraprofessionals had the necessary qualifications prior to providing services to a child or children with disabilities? [34 CFR §300.156]
- Allegation 9:** Did the LEA provide children with disabilities the services set out in each child's IEP? [34 CFR §300.323(c)(1)]

**Allegation 10:** Did the LEA ensure that each regular education teacher, special education teacher, related service provider, or any other service provider responsible for the implementation of students' IEPs were informed of their responsibilities related to the IEPs? [34 CFR §300.323(d)]

Edwin L. Litteneker and Beverly Bengé, SDE contracted Complaint Investigators, conducted an onsite complaint investigation on May 22 and 23, 2013, and Mr. Litteneker conducted telephonic interviews on June 17, June 24, and June 28th, 2013. Additionally the Investigators reviewed documentation provided by the Complainant and the LEA.

The following persons were interviewed:

Complainant:

[REDACTED]

LEA Administrators, Teachers, and Related Services Personnel:

Christine Ivie, Administrator

[REDACTED]

**INTRODUCTION**

This is a systemic complaint investigation report. In a systemic complaint investigation, the focus of the investigation is not on any one individual student; instead the investigation centers on the documentation maintained by the LEA and the LEA's ability to demonstrate that services described in individual students' IEPs were provided.

Heritage Academy School District #479 began offering educational services in the 2011-2012 school year, making the 2012-2013 school year the second year of operation. The District presently provides kindergarten through sixth grade educational services, and anticipates adding seventh grade in 2013-2014. At the time of the investigation, there are approximately twenty (20) currently enrolled students on IEPs.

Presently the LEA offers three first/second grade combined classrooms and one classroom each of grades three through six, with one teacher assigned to each classroom. The LEA Administrator was variously referred to as the Special Education Director, Special Education Teacher and building Principal.

The allegations accepted for investigation originated with a variety of complaints filed by [REDACTED], a former employee of the LEA. The allegations accepted for investigation were limited to the LEA's compliance with IDEA.

In addition to the personal interviews, and as required in systemic complaint investigation, an IEP file review was conducted. A minimum of one IEP file from each grade was randomly selected for review for a total of ten IEP files. The IEP files reviewed were identified by the investigators; LEA staff photocopied and provided investigators the information from the IEP files for review.

Nine (9) of the reviewed IEP files are referenced in this report by numbers #01 to #09. A legend referencing the individual students by name and number is attached as Exhibit A and is intended to be removed prior to dissemination of this report to protect personal identifiable information.

The file review uncovered deficiencies in each file including: lack of documentation for the provision of speech and language therapies; no documentation of invitations to IEP meetings; improper documentation of IEP amendments; and noncompliant IEPs lacking reasonable relationships between present levels of performance (PLOPs), goals, and mechanisms to measure progress of goals. None of the reviewed IEPs contained current progress reports documenting either the implementation of IEPs or students' progress toward meeting their respective IEP goals.

Specific findings are made referencing the reviewed IEPs by their assigned number. Examples referenced in the Findings section are illustrative of the deficiencies found in the IEPs.

A tenth Student's IEP file was reviewed. This file revealed Student #10 was timely assessed for eligibility based upon speech deficiencies. The Speech Language Pathologist's (SLP's)

assessment results were available. However an eligibility determination and written notice were not contained in this Student #10's IEP file.

During the course of the onsite interviews, the LEA Administrator represented that a specific First/Second Grade Teacher was not in the building the two days when the Investigators were present and was not available to be interviewed. That Teacher was interviewed at a later date by telephone and indicated she had been in the building both days the onsite interviews took place.

After the onsite interviews were conducted, the LEA Administrator provided a written response to each of the allegations generally denying any factual basis for each of the allegations.

### FINDINGS

**Allegation 1:** *Did the LEA have in effect policies, procedures and programs consistent with SDE policies and procedures? [34 CFR §300.201]*

Idaho districts are required to have in effect policies, procedures and programs which permit the SDE to determine whether an LEA is providing for the education of children with disabilities consistent with the *Idaho Special Education Manual* and the policies of the SDE.

The LEA did not provide any documentation of any procedures intended to implement the IEP's of students with disabilities attending the LEA. For example, there are no records after December 1, 2012 of services provided by the Speech Language Therapists contracted to supply the related services referenced in students' IEPs. Other than an email from the LEA's Administrator indicating that the bookkeeper should have information about billings by Related Service Providers, no information was supplied indicating speech therapy services were provided.

No documentation indicating students received the related services referenced in their IEPs was provided. The Related Service Providers interviewed indicated that the majority of their time was spent assessing students for eligibility for special education. The Related Service Providers additionally assumed it was their responsibility to provide the services necessitated by students' IEPs, although they did not have access to the finalized IEPs. They report that the services they provided were based on the draft IEP goals they had proposed prior to the completed IEPs.

A highly-qualified Paraprofessional to provide special education services as provided for in students' IEPs was not made available for an interview. It is reasonable to conclude based upon the interviews conducted that a Special Education Paraprofessional was not employed by the LEA to provide the services contemplated by students' IEPs.

Where Student #09's IEP provided for a Behavioral Intervention Specialist Aide, there was an indication that contractual arrangements had been made with the Student's private Service Coordinators to provide interventional services while the Student was attending school. However, there is no evidence that behavioral plans were implemented.

A general schedule of IEP services for students was made available to Classroom Personnel in an Excel spreadsheet for every student who qualified for Special Education, 504, Title I, or ELL

services. This summary spreadsheet was made available by the Administrator to all Classroom Personnel without regard to whether those individuals had a legitimate educational purpose for accessing an individual student's records, thereby violating a student's right to privacy as required by the Family Educational Rights and Privacy Act ( FERPA) and incorporated by reference in IDEA.

Documentation of the specific accommodations which were to be provided to each student or what behavioral intervention planning services were to be implemented in the classroom did not appear to be provided to Classroom Personnel. The Classroom Personnel indicated that though they knew where students' IEPs were physically located in the LEA's administrative office, they did not have copies of their students' IEPs and only were provided the spreadsheet of services. Classroom Personnel report that early in the school year they were not permitted access to their students' IEP files, and, even after they were permitted access, found the files to be incomplete.

The LEA utilized the forms made available to school districts by the SDE as contained in the *Idaho Special Education Manual*. However the Special Education Director/School Administrator and School Counselor Intern appeared to be unfamiliar with a number of the forms, notably those dealing with the documentation of an amendment to an IEP and the documentation necessary when a student transfers from another Idaho school district to the LEA.

Since there was no documentation of the nature and kind of special education and related services provided to students as contemplated in their IEPs, there is no evidence to support a finding that the LEA had policies, procedures and programs in place to meet their IDEA obligation.

This allegation is **founded** and the LEA is **out of compliance**.

**Allegation 2:** *Did the LEA provide children with disabilities IDEA compliant IEPs? [34 CFR §300.320(a)(1-7)]*

The LEA is required to provide an individualized education program (IEP) which is developed, reviewed and revised as required by the IDEA. IDEA sets forth seven specific considerations in 34 CFR §300.320 to determine whether a student's IEP is compliant. As indicated in the introduction, each of the IEP files reviewed had deficiencies. The following findings address those deficiencies in light of the seven requirements set forth in 34 CFR §300.320.

*34 CFR §300.320(a)(1). An IEP is to contain a statement of the child's present levels of academic achievement and functional performance including a description of how the child's disability affects the child's involvement and progress in the general education curriculum.*

A student's present level of performance (PLOP) should describe in sufficient detail a student's baseline performance related to the student's needs. The PLOP is directly related to the measurable statement of goals that includes how progress toward the completion of those goals will be measured.

Student #03's PLOP in the skill area of behavior was described as "extreme negative/inappropriate behavior in an attempt to get [#03's] way or seek attention from peers and adults." There is no description of the specific behavior which was characterized as "extreme negative/inappropriate." Without a description in the IEP of the specific behavior or behaviors providing a baseline from which goals are identified, progress toward the goals that follow cannot be measured.

Student #06's PLOP in the skill area of reading read:

"[#06] is currently working in the general education classroom with some modifications and support from a paraprofessional. [#06] has a higher understanding of reading concepts when [#06] hears material read to [#06]. Although [#06] is able to understand most reading assignments, low written skills make it difficult for [#06] to respond."

This description of Student #06's present levels of reading performance is insufficient. Not only does the PLOP not describe what deficiency Student #06 may be experiencing in reading, the PLOP does not set out, for example, the Student's present fluency rate or describe the Student's ability to read aloud noting word per minute, or accuracy rate in the Student's description of what was read. Instead, the PLOP suggests that there is some correlation between low written skills and reading, but not whether Student #06 should have some accommodation because of an inability to describe orally what was being read to the student.

*34 CFR §300.320(a)(2) provides, that there will be a statement of measurable annual goals to meet the student's needs that result from the student's disability so that the student may make progress in the general education curriculum and will meet the child's other educational needs resulting from the child's disability.*

For these purposes the IEP must describe the student's annual goals in such a way that the student's present levels of performance can be addressed and the progress toward the completion of said goals can be measured to demonstrate whether the student is making progress toward the completion of those goals.

Student #03's goal to address the present level of performance was to get the Student to remain in class over 90% of class time, use age-appropriate skills to manage frustration, and/or to build positive relationships with adults and peers. As indicated in the introduction of this report, there is no description of the specific "extreme negative or inappropriate" behavior which Student #03 displays. There is also no description of what age-appropriate skills are or specifically what skills this Student should be developing.

Also significant for Student #03 was the absence of a behavior plan as part of the IEP. There is no description of what specific skills are to be taught nor are the antecedents to the Student's problem behavior described. What skills the Student may learn to address behavior before the Student acts out are not described. The IEP only references what to do after the Student has demonstrated inappropriate behavior and does not provide for positive behavioral supports and interventions as contemplated by IDEA.

Further, the Services Page of Student #03's IEP indicates that a Counselor or Behavioral Intervention Specialist is to provide thirty (30) minutes of services per week. However there is no description in the IEP of what specific behavioral interventional services are to be provided, nor is there documentation of the provision of such services.

*34 CFR 300.320(a)(3). A student's IEP is to describe how the child's progress toward the annual goal will be measured and when progress reports will be provided.*

Again using Students #03 and #06 as examples, there is no adequate statement of measurement of progress toward meeting their respective goals. Further there were no progress reports of any kind in these two Students' files, nor were there progress reports in any Students' files reviewed.

*34 CFR §300.320(a)(4). The LEA is required to provide a statement of the special education and related services to be provided to a child and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance toward attaining the annual goals, to be involved in and make progress in the general education curriculum and will enable the child to be educated and participate with other children with disabilities and nondisabled children.*

The LEA utilized the forms provided by the SDE to school districts within the state. Several of the IEPs reviewed indicated the services would be provided in the special education room or by a Special Education Teacher or Paraprofessional. The LEA did not, for a substantial amount of the 2012-2013, school year have either a Special Education Teacher documented to have provided services to students, or a Paraprofessional providing services consistent with students' IEPs.

*34 CFR §300.320(a)(5) requires that the IEP described the amount of time a student will not participate in the general education classroom with the student's nondisabled peers.*

The LEA utilized the forms provided for by the SDE to indicate the amount of time a student would receive special education services away from their nondisabled peers or would be receiving related services. For these purposes it is assumed that those descriptions are accurate. However no evidence was offered to indicate that special education services actually were provided. It was reported that the students whose IEPs contemplated pullout services other than related services did not receive any of those services.

*34 CFR §300.320(a)(6)(i) requires that the IEP include a statement of any individual accommodations that are necessary to measure the academic achievement and functional performance of the child on State or district wide assessments, whether the child will take an alternative assessment, and why.*

Each of the IEPs reviewed had utilized the state forms for describing the circumstances of the students taking State and district wide assessments and an explanation if an alternative assessment had been selected for the child.

*34 CFR §300.320(a)(7) requires that the IEP contain the projected date for the beginning of the services and the anticipated frequency, location and duration of those services and modifications.*

The LEA utilized the SDE provided forms. The IEPs reflected dates for the beginning date, frequency, location, duration of those services. However as previously noted, there is no documentation that those services have been provided.

This allegation is **founded** and the LEA is **out of compliance**.

**Allegation 3:** *Did the LEA ensure the IEP Team for each child with a disability included the necessary Team members and that the necessary Team members attended each student's IEP Team meeting? [34 CFR §300.321(a) and (e)]*

IDEA requires a district to include on the IEP Team the parents of the child; at least one regular education teacher; at least one special education teacher; an agency representative qualified to provide, or supervise the provision of, specially designed instruction, who is knowledgeable about the general education curriculum, and is knowledgeable of the availability of resources in the district; an individual who can interpret the instructional implications of evaluation results; other individuals who have knowledge or special expertise regarding the student; and when appropriate the child. The IDEA regulations were further clarified to require "the special education teacher or provider who is a member of the child's IEP Team should be the person who is, or will be, responsible for implementing the IEP" (*Federal Register*, pg. 46670).

IDEA regulations allow one person to fulfill two roles on the IEP Team in two instances: 34 CFR §300.321(a)(5) allows the person who can interpret the instructional implications of the evaluation results also to be another IEP Team member. The other is addressed in 34 CFR §300.321(d) which allows a district to designate a public agency member of the IEP Team to serve as the agency representative assuming they meet the aforementioned criteria. 34 CFR §300.321(e) indicates that a member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, if the parent and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

Several of the reviewed IEPs indicated that the LEA Administrator attended the meeting as a Special Education Teacher. The LEA Administrator is a certified to fulfill this role. However, there was no indication that the Administrator provided special education services to students as described in students' IEPs. Specifically Student #05's IEP indicates that an IEP Team meeting was held on November 15, 2012. In attendance were the Parent, the Special Education Director/Administrator, the Title I Teacher and the General Education Teacher. The IEP noted the Student is eligible for special education services based on eligibility determination of other health impairment.

Student #05's IEP indicates that the Student receives thirty (30) minutes a day of pullout services in reading from the Special Education Teacher/Title I Teacher. However, no Special Education Teacher responsible for implementing the IEP attended the meeting. No documentation provided by the LEA indicated that the Title I Coordinator, who also served as the School Counselor Intern, was qualified to serve as the representative of the Special Education Teacher.

Student #06's IEP of October 29, 2012, did not indicate by the signature page whether the individuals invited to the meeting were in attendance.

Student #07's IEP of March 26, 2013, indicated that a General Education Teacher was not in attendance. No Excusal Form was in the file.

Student #08's IEP indicated the student was eligible for special education services under the category of autism spectrum disorder. The Student was to receive occupational therapy and language therapy; however, neither the Speech Therapist nor the Occupational Therapist attended the November 20, 2012 meeting and were not excused from the meeting.

Student #09's IEP of March 26, 2013, indicated the attendance of Mother, Special Education Director/Principal, School Counselor, School Psychologist and General Education Teacher. The Student was to receive six (6) hours a week of reading and math services from the Special Education Teacher or Paraprofessional. While the Special Education Director/Principal attended the meeting, the person responsible for providing those services did not appear to be in attendance at the IEP Team meeting.

This allegation is **founded** and the LEA is **out of compliance**.

**Allegation 4:** *Did the LEA ensure that the parents(s) of each child with a disability were provided notice and the opportunity to attend each student's IEP Team meeting? [34 CFR §300.322]*

IDEA requires that the district ensure that parents of a child with a disability are present or afforded an opportunity to participate in each IEP Team meeting. To meet this obligation, the LEA is to provide in writing notification of the circumstances including time, place and attendees of IEP Team meetings. In Idaho, this notice is provided via the Invitation to Meeting form.

The Parents interviewed indicated that they had sufficient notice to attend IEP Team meetings and were generally pleased with their ability to participate in the IEP Team meetings conducted by the LEA. Several of the Parents indicated that they had transferred their student to the LEA during the 2012-2013 school year specifically to take advantage of the unique programs which the Parents believed were being offered by the LEA.

However, a review of the IEP files indicated that written invitations to a meeting were not included in the IEP files. Notes and transcriptions of the IEP Team meetings conducted by the LEA after December, 2012 were included in the IEP files.

This allegation is **founded** and the LEA is **out of in compliance**.

**Allegation 5:** *Did the LEA ensure that at the beginning of the 2012-2013 school year an IEP was in effect for each student with a disability? [34 CFR §300.323]*

IDEA requires that each child with a disability will have an IEP in effect at the beginning of the school year. A district is also required to inform each teacher of his or her specific responsibilities related to implementing a student's IEP and the accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. A district is required to provide a free and appropriate public education including services comparable to those described in the child's IEP from the previous district for a child who transfers from a district located within the state of Idaho until a district adopts the previous IEP or develops, adopts, and implements a new IEP.

Student #06 is a sixth grader enrolled in the LEA who transferred from another Idaho school district at the beginning of the 2012 -2013 school year. An annual review of Student #06's IEP did not occur until October 29, 2012. There is no documentation of the circumstances under which the LEA provided special education services to Student #06 at the beginning of the 2012-2013 school year prior to October 29, 2012.

Student #08 attended kindergarten at the LEA in the 2012-2013 school year arriving at the LEA with an IEP from another school district in Idaho. Documentation of IEP Team meetings was available, including written notice. An Invitation to Meeting form was contained in the file, however, there was no documentation until an annual IEP Team meeting held November 20, 2012, of the LEA's adoption and implementation of the prior district's IEP. An Eligibility Report dated November 22, 2012, indicated that the LEA's IEP\_Team apparently adopted the eligibility report of the prior district. The resulting IEP is identified as an "annual review." No documentation of the LEA's IEP Team's action upon the enrollment of Student #08 was available. Additionally, there was no documentation that Student #08 received IEP services prior to November 20, 2012.

Student #09 attended kindergarten in the 2012-2013 school year. Written notice of the LEA's proposal to consider Student #09's eligibility for special education was dated November 20, 2012. The parental consent for assessment was executed on December 1, 2012, however an initial IEP was not adopted until March 26, 2013. The LEA did not meet the IDEA 60-day timeline from the date of consent to the date to eligibility determination.

Additionally, Student #09's March 26, 2013, IEP did not contain start dates or anticipated duration dates for special education services. No information was provided on Student #09 to indicate that the Student had been previously evaluated or had been determined to be eligible for special education services.

Related Services Providers indicated that IEPs were not available for review until after the SDE had notified the LEA of monitoring activities. The SDE's annual monitoring process occurred in April, 2013. As noted previously, the related services were provided based on students' eligibility assessments and or draft goals prepared by the Related Services Providers. However

students' IEPs were not provided and were not made available for review by those providing the related services.

This allegation is **founded** and the LEA is **out of compliance**.

***Allegation #6:** Did the LEA's IEP Teams properly develop, review, and revise IEPs in compliance with IDEA? [34 CFR §300.324]*

IDEA requires that the IEP Team consider the strengths of the child, the concerns of the parents, the results of the evaluation of the student, and the academic, developmental, and functional needs of the student. For those students whose behavior impedes the child's learning or that of others, additional considerations must be made by the IEP Team. The General Education Teacher must participate in the determination of appropriate positive behavioral interventions and appropriate supplementary aids and services for the student to access the general education classroom. Furthermore, the IEP Team is required to periodically and not less than annually review the goals of the child to determine whether annual goals have been achieved.

The findings herein specifically incorporate the findings of Allegations 1, 2, 3 and 5.

Particularly significant here is that none of the IEPs reviewed contained any reporting of students' progress toward completion of IEP goals. This failure to report progress significantly affects the LEA's ability to determine if IEP Teams should meet more than annually.

Additionally there is no opportunity for Classroom Teachers and Related Service Providers to recommend what revisions should be considered by IEP Teams if the results of students' progress is not documented, reviewed, and shared with members of IEP Teams.

The Parents interviewed indicated their satisfaction and comfort with the LEA and the progress that their children were making both academically and behaviorally. However other than grade reports, progress reports identifying the individual student's special education goals and the progress toward those goals had not been provided to the Parents.

This allegation is **founded** and the LEA is found **out of compliance**.

***Allegation 7:** Did the LEA receive parental consent prior to the disclosure of personally identifiable information to parties other than the officials of the LEA? [34 CFR §300.622]*

IDEA requires that parental consent must be obtained before personal identifiable information is disclosed to third parties.

The Complainant alleged that the LEA Administrator had, without the consent of parents, removed IEP files from the LEA's building in preparation for monitoring by the SDE. It was also alleged that the Administrator shared those files with a third-party.

The Administrator acknowledged that she had received assistance from and consulted with another charter schools' Special Education Director. Further the Administrator indicated that she had removed the original students' IEP files from the building to consult with the Consultant Special Education Director to determine whether the files met the monitoring requirements. The Administrator had on occasion made the LEA's files available to the Consultant for review and to work on the file documentation.

The LEA had entered into a special education consulting agreement with the other charter school. The consulting agreement sufficiently addressed the parental consent requirements of 34 CFR §300.622.

This allegation is **unfounded** and the LEA is in compliance.

***Allegation 8:** Did the LEA ensure that classroom personnel, related service providers, and paraprofessional had the necessary qualifications prior to providing services to a child or children with disabilities? [34 CFR §300.156]*

IDEA requires that the personnel employed by the district are "appropriately and adequately prepared and trained" when providing services required pursuant to a student's IEP. The standard also applies to related service providers.

The Related Service Providers, including the School Psychologist, the Occupational Therapist, Physical Therapist, and the Speech Language Therapist, were contracted by the LEA to provide related services to students with disabilities. These professionals had the appropriate certification, education and training to provide the related services.

The LEA arranged for the Related Service Personnel to be interviewed as part of this investigation. However, the LEA's Special Education Paraprofessional was not available to be interviewed and there is no indication that a highly-qualified Paraprofessional had been or was currently employed by the LEA to provide the special education services contemplated by students' IEPs.

The LEA made available for interview an individual who was self-described as a Title I Paraprofessional. She indicated that she did not provide services to special education students and had little information about IEPs.

The Title I Paraprofessional reported that she works in the "think tank," which was described by her as a study hall for individual students who required assistance in reading. The Title I Paraprofessional indicated that special education students were regularly removed by her from their classrooms to participate in the "think tank" program. She was not familiar with the students' IEPs, what services were required, or what her role was in providing special education services.

Until approximately March 2013, the LEA did not have a Special Education Teacher contracted or employed, other than the LEA's Administrator, who is a certified Special Education Teacher, but had not been documented as providing any special education services to students. Some

Teachers reported the Administrator pulled students out of class several times, but there is no documentation the students received services during these pull outs. The LEA had contracted with a certified Special Education Teacher who was employed intermittently beginning March 2013 and anticipated being regularly employed beginning the fall of 2013.

The LEA employed a Title I Coordinator who also served as the School Counselor. This individual had not completed the requisite education to be a certified school counselor and was described instead as an "Intern School Counselor." This individual reportedly also supplied some special education services to students as listed on their IEPs. Both the Title I Coordinator and the LEA's Administrator demonstrated a substantial amount of confusion about the distinction between Title I and special education services. It did not appear as though the LEA, other than recently employing a Special Education Teacher, had a plan for providing the special education services identified in the individual students' IEPs.

The LEA employed certified General Education Teachers. However other than the monthly spreadsheet of services, there was nothing to suggest that the General Education Teachers were provided with any information as to the nature of the individual students' present levels of performance, goals, or the services to be utilized to implement the students' goals. A comparison of the students' files and the spreadsheet of services with respect to students' accommodations, modifications, and supports did not correspond with the students' respective IEPs.

Individual Teachers and Related Services Providers expressed substantial frustration with the lack of information, communication, or direction in regards to individual students' IEPs. Further, individual Teachers were concerned that students were not receiving the special education services required by their IEPs.

This allegation **is founded** and the LEA **is out of compliance**.

*Allegation 9: Did the LEA provide children with disabilities the services set out in each child's IEP? [34 CFR §300.323(c)(1)]*

Upon the development of an IEP, IDEA requires special education related services are to be made available to a child with a disability according to the circumstances set out in the student's IEP.

These findings specifically incorporate the findings in Allegations 1, 2, 3, 5, 6 and 8.

As previously noted, there seemed to be significant confusion among of the Classroom Personnel and the Administrative staff about the nature of Title I services and the relationship to IEP services, if any. For example, the LEA offers a school-wide enrichment program, the "think tank," intended to assist any student, kindergarten through sixth grade, who may have subject area deficiencies. It was not clear if the "think tank" was designed as a special education service, Title I program, or a unique LEA program. It was also not clear to Classroom Personnel which students were being pulled out for what services and who was providing the services. Several Teachers indicated their reluctance to send students to the think tank.

With the exception of related services attributable to occupational therapy or speech language therapy, there is no evidence to support that students' progressed on any other IEP goals, nor was there evidence documenting any accommodations, modifications, or special education services were provided pursuant to the students' IEPs.

This finding must be weighed with the reports of the interviewed Parents of children eligible for special education services of their satisfaction with the services provided by the LEA. Those Parents, who were selected for interviews by the LEA Administrator, specifically reported their children were making progress and that the services made available by the school were appropriate. Some of the Parents reported that the LEA's participation in the Autism Support Program and the unique educational program provided by the LEA's charter were the reasons that they had enrolled their child at the LEA.

However there was no report that a Parent had ever received a progress report as contemplated by a student's IEP. Nor were the IEPs noted as to the circumstances of an individual student's progress toward the completion of the IEP goals.

This allegation is **founded** and the LEA **out of compliance**.

***Allegation 10:** Did the LEA ensure that each regular education teacher, special education teacher, related service provider, or any other service provider responsible for the implementation of students' IEPs were informed of their responsibilities related to the IEPs? [34 CFR §300.323(d)]*

IDEA requires that a child's IEP is accessible to the individuals responsible for the implementation of the IEPs, that those people are informed of their specific responsibilities relating to the implementation of the IEP, and the accommodations, modifications and supports to be provided to the student in accordance with the IEP.

The LEA Administrator indicated that the regular spreadsheet schedule should be sufficient to advise both the Classroom Teacher and the Related Services Provider of the nature of the services to be provided to an individual student as indicated on his or her IEP. The schedule, however, described what the Administration indicated were the student's accommodations. The spreadsheet did not indicate the relationship between a student's disability and the accommodations necessary for a student to access the LEA's general education curriculum. Additionally the spreadsheet provided no information regarding a student's goals or what specialized instruction was required by a student's IEP.

Most significantly, the description of the accommodations appearing on the spreadsheet did not correspond to the accommodations on individual students' IEPs. While classroom personnel indicated that they knew where the students' IEPs were located, they report they did not have access to the IEPs on several occasions consistent with the removal of the IEP files from the building. Additionally, classroom personnel indicated they had received no student specific instruction, direction or information as to how to implement the students' IEPs from the LEA's Administration.

Related Service Providers were not timely provided with a duly adopted IEP containing the IEP Team's determination of the goals and specialized instruction to be provided to each student on an IEP. The relationship between the related services and the classroom accommodations and specialized instruction would not have been available to the Related Service Provider until late April, 2013.

As noted in the Findings for Allegation 7, the original special education student files were physically removed from the LEA by the Administrator for review with the Consultant offsite prior to the SDE's General File Review and Monitoring activities. Instead of copies, those original files subsequently were provided to the SDE for monitoring activities after the required submission deadline. During this period, those students' files were unavailable to LEA personnel responsible for providing services and documenting progress toward goals.

This allegation is **founded** and the LEA is **out of compliance**.

### **CORRECTIVE ACTION PLAN**

The SDE is required under IDEA to ensure the correction of noncompliance. The following Corrective Actions are hereby ordered:

#### **Regarding Allegations 1, 2, 3, 4, 5, and 6:**

- A. The LEA's Administrator, Special Education Teacher, the General Education Teachers, and any other LEA personnel deemed appropriate by the Administrator, will attend a training or trainings delivered by a trainer or trainers approved by the SDE, to cover the following topics:
  1. developing compliant IEPs including present levels of performance and determining measurable goals;
  2. measuring and documenting student progress toward IEP goals;
  3. writing effective behavior plans including positive behavioral supports;
  4. determining necessary accommodations and services, including documenting anticipated frequency, location, duration, and person(s) responsible for the implementation of those services and modifications;
  5. determining who should attend IEP Team meetings to ensure a fully constituted IEP Team, and process for proper excusal of a member from an IEP Team;
  6. providing and documenting notice;
  7. the 60-day timeline from consent for evaluation to determining eligibility;
  8. the 30-day timeline from determining eligibility to implementation of an IEP;
  9. reviewing IEPs of transferring students; and
  10. adopting and amending IEPs and the timely implementation of IEPs.

All training(s) must be completed by December 15, 2013. Copies of agendas and sign-in sheets of attendees and their roles will be sent to the Dispute Resolution Coordinator by December 20, 2013.

**Regarding Allegations 1, 2, 3, 4, 6, and 9:**

- B. The SDE will visit the LEA a minimum of six (6) and a maximum of ten (10) times for the purpose of onsite file reviews between the date of this report and July 11, 2014. These onsite reviews may be unannounced. The LEA Administrator will ensure LEA staff is aware and able to provide access to all students' special education files, as well as provide copying services as needed for the SDE reviewers without delay. Original files are required to be maintained onsite at all times without exception. The onsite visit will occur on July 10, 2013 and the SDE will assign a numerical code to each file for future corrective action documentation.
- C. The LEA will be added to the rotation for the 2014 Indicator 8 Survey and will comply with data requests by the survey vendor in January, 2014. Verification from the vendor will be received by the Quality Assurance and Monitoring Coordinator and reported to the Dispute Resolution Coordinator by February 1, 2014.

**Regarding Allegation 2 and 6:**

- D. The LEA shall review each student's IEP by September 15, 2013 to identify what deficiencies exist. The LEA will provide a summary of the deficiencies and any corrections made in each file in a confidential report provided to the Dispute Resolution Coordinator by October 21, 2013.

**Regarding Allegation 3 and 8:**

- E. The LEA will continuously employ through the 2013-2014 school year a Special Education Educator or Case Manager directly responsible for the implementation of the students' IEPs, who will attend all IEP meetings. The LEA Administrator may not serve this role without also documenting she is the service provider responsible for implementing IEPs. A copy of this individual's dated contract will be provided to the Dispute Resolution Coordinator by September 6, 2013.

**Regarding Allegation 9:**

- F. For any deficiency of special education services identified as a result of a lack of documentation in Corrective Action D, the LEA, in collaboration with the Regional Coordinator, will provide an offer of compensatory education to parents no later than January 14, 2014. The LEA will collect and submit these offers of compensatory education to the Dispute Resolution Coordinator by January 28, 2014.
- G. If the offer of compensatory educational services is accepted by the parent, the identified compensatory education services shall be provided by June 6, 2014. The LEA will submit to the SDE Dispute Resolution Coordinator verification of compensatory education provided to students by June 20, 2014.

- H. The LEA will develop by September 6, 2013 a form to document the services provided to each student on an IEP demonstrating that each student has received the services contemplated by the IEP. The form will include a space for confirmation of the provision of services by the Special Education Teacher or Service Provider. A copy of this form will be provided to the Dispute Resolution Coordinator by September 13, 2013.
- I. The Office of Dispute may determine to send the Complaint Investigators back to the LEA in May, 2014 to verify compliance on all areas identified as out of compliance in this report.

**Regarding Allegation 10:**

- J. The LEA shall provide each Classroom Teacher, Related Service Provider, or any other Service Provider responsible for the implementation of a student's IEP with sufficient information about each student's IEP to enable the provision of accommodations, modifications, and supports necessary to implement the IEP. Note: Only those LEA Personnel with a legitimate education purpose will be provided any information about an individual student. The LEA will create a form for each Teacher and Related Service Provider to sign indicating receipt of their students' IEP information. This documentation will be provided to the Dispute Resolution Coordinator by September 13, 2013.

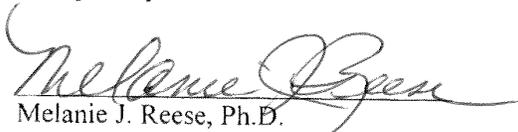
This Final Report marks the end of the Complaint Investigators' involvement in this matter. All future inquiries should be direct to Dr. Melanie Reese, Dispute Resolution Coordinator, Idaho State Department of Education.

Submitted this 10<sup>th</sup> day of July, 2013, by:



Edwin L. Litteneker  
SDE Contracted Complaint Investigator

Accepted by:



Melanie J. Reese, Ph.D.  
SDE Dispute Resolution Coordinator

August 15, 2013



**IDAHO PUBLIC CHARTER SCHOOL COMMISSION**

650 W. State Street • P.O. Box 83720 • Boise, ID 83720-0037  
208/334-2270 • FAX: 208/334-2632  
e-mail: [charter@osbe.idaho.gov](mailto:charter@osbe.idaho.gov)

May 16, 2013

Heritage Academy  
Board of Directors  
500 South Lincoln Avenue  
Jerome, ID 83338-3027

Dear Heritage Academy Board of Directors:

As you are aware, the role of a public charter school authorizer includes oversight of schools' academic performance, fiscal status, and compliance with the provisions of law. In accordance with legislation passed during the 2013 session, the Public Charter School Commission (PCSC) is no longer issuing notices of defect as has been required procedure in the past. However, we would like to make sure you are notified of several concerns regarding operations at Heritage Academy that have come to our attention:

- **Special Education:** We have reason to believe that Heritage may be out of compliance with regard to the provision of special education services. It appears that special education files may not have been kept on-site, kept confidential, and been properly maintained throughout the school year. Additionally, the mixed-group scheduling and "think tank" arrangement at Heritage may not be effective for proper IEP implementation. IEP implementation may also be compromised by Heritage's lack of a special education teacher despite having 24 students on IEPs.
- **Certification:** We have reason to believe that some individuals employed by Heritage Academy are not properly certified for the jobs they are performing. Specifically, it appears that Ms. Collette Clark is teaching kindergarten without the necessary certification; the SDE has no record of any request regarding an alternate route or provisional certification. Additionally, Ms. Suzanne Bowen appears to be serving as Heritage Academy's school counselor without the appropriate certification (she is certified in elementary education, but not school counseling). Finally, the SDE's records indicate that Ms. Amanda Bell is serving as both the Kindergarten teacher and the 6<sup>th</sup> grade teacher; this is inconsistent with our understanding of actual arrangements at the school, and should be clarified.
- **National School Lunch Program:** SDE monitoring of Heritage's school lunch program has resulted in identification of documented non-compliance and fiscal action totaling

*Printed on Recycled Paper*

August 15, 2013

\$3,050.99. Heritage's budget projections indicate that the school plans to repay only \$2,000 during FY13, carrying the remainder over to FY14; however, it is our understanding that the full amount will be due in FY13.

- **Failure to Notify:** It is our understanding that Heritage may have terminated the employment of an individual on grounds that should have been should have been reported to the SDE pursuant to §33-1208A.
- **Potential Fiscal Shortfall:** Heritage appears to be operating on an extremely tight budget for FY13, and it appears that the FY14 budgets presently under development rely upon successful renegotiation of the facility lease, as well as substantially increased enrollment. Heritage should take care to budget realistically and not depend for summer cash flow upon an advance payment from the state; particularly as such advance payments will likely require additional documentation of actual need in future years.

As the board of the public charter school, it is your responsibility to ensure the compliance, effectiveness, and overall health of the school (see IDAPA 08.02.04.300.01-02). Our intention is to ensure that both you and the SDE, which administers several of the relevant provisions of law, are informed of these possible violations so that they may be resolved appropriately.

We appreciate your prompt and thorough investigation of these matters, and respectfully request that you, the board, provide us with follow-up information as to when and how resolution is reached, in accordance with the requirements of IDAPA 08.02.04.300.04.

If we may be helpful to you by clarifying the nature of these concerns or assist you in obtaining appropriate guidance for their resolution, please don't hesitate to contact our office at any time.

Sincerely,



Tamara L. Baysinger  
Director

Cc: Alan Reed, PCSC Chairman  
Michelle Clement Taylor, SDE School Choice Specialist

August 15, 2013

Letter from the BOD to the Idaho Public Charter School Commission and Idaho Department of Education



TO: Idaho State Department of Education  
CC: Idaho Charter School Commission  
FROM: Heritage Academy Charter School Board of Directors  
DATE: May 23, 2013  
RE: Response to complaint submitted by Ms. Jennifer Bean

The Heritage Academy Charter School Board of Directors is in receipt of the complaint filed on May 13 by former secretary [REDACTED]. We have carefully reviewed the information in the complaint. While we acknowledge that [REDACTED] has the right to file such a document, we are dismayed and saddened by the allegations [REDACTED] makes against our school and our dedicated team of professionals who work there.

Some of [REDACTED]'s allegations are misleading, some are irrelevant, and many are simply false. In response, Dr. Christine Ivie has prepared written information to clarify and correct the allegations in [REDACTED]'s complaint. We encourage you to review that document and visit our school so you can help us continue to provide a quality educational experience for the families in our area.

We encourage you to contact us individually if you would like more information. Thank you for your ongoing support of our school.

A handwritten signature in black ink that reads "Abban Crouch". The signature is written in a cursive, flowing style.

Note: Please see detailed responses to the items in the complaint attached.

RESPONSES TO BULLETS OUTLINED IN INITIAL COMPLAINT BY MS. BEAN:

We are providing a brief response to each of the items listed in the initial complaint. We are attaching some documentation related to specific accusations, however, additional documentation is located in our school, and/or can be provided by our staff members. Please let us know if there is more information you need regarding each item.

We do think it is important to emphasize, again, that this complaint was submitted by a former part-time secretary and nutrition program manager, after being terminated for cause. These issues/complaints/concerns, were never brought to the attention of our administrator or our Board of Directors prior to her termination. We believe these accusations are retaliatory, and merely suggest that this former employee is participating in negative (and baseless) rumor spreading, and/or has accessed confidential information without permission; without complying with federal and state laws and/or district policies, and without the knowledge to interpret information accurately.

- 1) Responses to specific items identified in the complaint:
- 2) Christine Ivie – former principal of HCCS, terminated
  - a) ██████████ would have no knowledge of personnel records from a previous employer. Dr. Ivie has never been terminated from a position/job.
- 3) Christine Ivie, Amanda Bingham, Anneli Crouch, Blair Crouch, Barb Lehnus, Suzanne Bowen, Amanda Bell, Teresa Berry are personal friends – all parties identified have positive working relationships. Those relationships have developed through years of working together on education initiatives. None of the parties involved developed personal friendships or knew each other prior to working together in the field of education.
- 4) Four day week
  - a) The HA Board of Directors considered implementing a four-day school week prior to the retirement of the former school administrator, and prior to hiring Dr. Ivie.
  - b) The four day week is somewhat common in the Magic Valley
  - c) Parents completing surveys prior to the 2012-13 school year overwhelmingly favored a four day school week (97% of survey respondents favored a four day week)
  - d) Parents completing surveys in the spring of 2013 also reported high satisfaction with the four day week (initial results indicated over 70% gave the four day week the highest rating possible on a 5 point scale and approximately 15% gave the four day week the second highest rating possible).
- 5) Christine Ivie's living arrangements and commuting practices
  - a) This is neither relevant, nor legal to take into consideration regarding employment.
- 6) Suzanne Bowen & Christine Ivie – child abuse – emotional abuse of 6<sup>th</sup> graders
  - a) 6<sup>th</sup> grade students were never asked to remove, or go through, a former teacher's belongings. All 6<sup>th</sup> grade students were aware their teacher was going on leave for medical reasons. Some witnessed Ms. Bowen and Dr. Ivie removing his personal items from his room in order to keep them locked and safe while he was on leave and had a long-term substitute teacher. When asked, both staff members reassured students that his belongings would be locked in the room across the hall so that the substitute would not be able to use or go through his personal items.
  - b) When asked about the teacher's return, students were told that Dr. Ivie and Ms. Bowen did not know when he would return and that, "just like we do not share information about you and

whether you are home sick, etc., we would not share personal information about teachers and staff members without their permission.”

- 7) Safety – fire drills
  - a) HA has conducted several fire drills and has scheduled monthly fire drills. Unfortunately, the school has had significant problems with the security and fire alarm system, so some drills have been cancelled or the alarm has failed to sound. This is an area the school plans to improve during the 2013-14 school year.
  - b) Teachers have been instructed to practice fire drill procedures, and all rooms have exit routes marked. All teachers should be reviewing this information with students as soon as they enroll at HA. In addition, all teachers should be reviewing meeting locations and procedures to prepare students for scheduled and unscheduled drills.
- 8) Safety – lockdown procedures
  - a) Lock down and earthquake procedures have been reviewed with staff members and all classes should have practiced those procedures regularly.
- 9) Safety – beepers disabled
  - a) There are no beepers on school doors. The security system includes motion detectors that are enabled at night. There have not been any beepers, fire alarms or security measures that have been disabled. The security system has had problems over the first two years the school has been in operation. Board members and the administrator have investigated each problem, and addressed these problems. The security company has been somewhat unresponsive. The Board is considering contracting with a different provider for the 2013-14 school year.
- 10) Safety – parent removing her kids from school
  - a) Parents remove students from schools frequently and for a number of reasons. It would be unethical for us to comment on the reason a particular parent moved students to a different school. In addition, reasons for changing schools are subjective, and our commitment to school choice is (in part) a result of believing parents should be able to choose options that they believe meet their children’s needs.
- 11) Safety – sand bags
  - a) Sand bags outside of the cafeteria emergency exit were used to prevent flooding during a particular week in 2011-12. They have not been placed against the door and have not been used during the 2012-13 school year. The school expects to include some remodeling (in order to prevent possible flooding) in the next 2 years.
- 12) Safety – second floor windows
  - a) The types of windows in our building were inspected during our fall safety inspection (conducted by the State of Idaho). Note: we have had safety inspections each fall, and the Board works on addressing all findings as quickly as possible. There were no findings regarding windows or keeping windows open. Teachers supervise students at all times, so there should not be an issue with students standing too close to windows.
- 13) Safety – north side door unlocked
  - a) This has been an issue due to the door handle sticking and feeling like it is locked. Signs are posted throughout the teachers’ lounge, reminding staff members to check the door. In addition, all staff members receive training regarding that door, and several staff members check the door throughout the day.
- 14) Safety – children carrying cases of paper

- a) Children volunteered to help a classroom move due to a leak in the roof. Students were asked not to carry paper and most of the boxes of paper were moved by Dr. Ivie. When Dr. Ivie witnessed students carrying boxes, she made them put the boxes down. The picture included is evidence of the boxes left after Dr. Ivie filled the downstairs closet and was too tired to move additional boxes. Those boxes were moved so that they were not in the walkway or any area hazardous to students.
- 15) Safety – swings on playground
  - a) The location of the swings was identified as an issue in the annual safety inspection. The school plans to move the swings over the summer of 2013. The issue is the number of feet from the building (not the bus lane which is not in use during recess). These will be moved as quickly as possible given the requirements for moving them.
- 16) Safety – power pole
  - a) In April, Dr. Ivie was notified that there was a large pole on the playground, that was loose and could be dangerous. She immediately contacted Board Chairman (and Facilities Committee Chair) Blair Crouch. Chairman Crouch had the pole examined and fixed within 2 school days. It was not an electrical pole, and while it was being repaired, teachers and playground monitors were told to have students stay away from the pole.
- 17) Safety – gates and debris on playground
  - a) This is an ongoing problem at HA due to community members using the playground at night and on the weekends. Debris is removed when identified. The gates are for the bus lane and a parent has volunteered to install the gates – however, due to the volunteer nature of that project, it will most likely be completed in the summer of 2013. Until then, playground monitors keep students away from the gates.
  - b) Several employees saw the wood with nails after school one week during the spring. It is their opinion that these were placed on the playground by a former employee due to the timing of the debris and the photographs included in [REDACTED]'s complaint (photos were obviously taken by a specific teacher during her recess – due to the students in the background). The facilities chairman (Mr. Crouch) was immediately notified and the debris was removed.
- 18) Safety – ceiling tiles
  - a) Ceiling tiles are regularly replaced, but have not been a danger to any students.
- 19) Safety – mold
  - a) The school is currently planning an inspection for mold and will address any issues in compliance with OSHA suggested procedures. At this time, mold has not been identified as a health concern at the school. However, a leak in the roof has concerned the Board and administrator, so they plan to assess that over the summer of 2013. Safe mold treatment sprays are used to eliminate any danger during the school year, and students are rarely in the rooms that may have mold.
- 20) Conduct detrimental to the health and welfare of students – custodian appreciation week; dangerous chemicals & no supervision
  - a) The cleaning solutions used by HA have been approved as safe for children and in food service settings. The cleaner is actually safe enough that if a child drank it, it would cause no harm to the child.
  - b) Students did help with cleaning for custodian appreciation day. All students were supervised by board members and/or staff members who had completed background checks. All students (except those supervised by a former employee) wore gloves if they handled chemicals.

- c) Students were proud of their work and felt like they contributed to our school and exhibited many of the traits that are part of our integrity initiative.
  - d) Many schools allow students to help with cleaning – either taking out trash, washing tables, sweeping, mopping, washing desks, etc. We are not aware of any rule that prevents this practice.
- 21) Conduct detrimental – bathroom, urine, etc.
- a) Students have not been asked to clean urine or feces that is not their own. There are one or two instances in which students were identified as making a mess in the bathroom (we had a series of incidents and used a bathroom sign out system from classes to try to identify when the incidents were occurring and who was involved). This led to a couple students admitting that they made the messes. They were asked to clean up after themselves by the school secretary. Mrs. Berry then supervised and assisted the students. Dr. Ivie was not directly involved in these incidents or the request to have students clean up after themselves.
  - b) Staff members rarely clean bathrooms. However, because we do not have a full-time janitor during the day, staff members have cleaned up bodily fluids (typically if a student is sick). When they do, they use kits that are designed specifically for that purpose. Dr. Ivie regularly cleans the staff bathrooms and has cleaned up vomit from sick children, using the provided kits. Mrs. Berry willingly cleaned student bathrooms when accidents occurred. As far as we know, Dr. Ivie, Ms. Bowen and Mrs. Berry were the only staff members who cleaned up bodily fluids and all three volunteered to do this rather than wait for the night custodian.
- 22) Honesty & integrity – deliberately falsifying or misrepresenting, etc. – Suzanne Bowen & ISAT
- a) Ms. Bowen received training and followed all requirements regarding proctoring state assessments. Dr. Ivie reviewed information with her prior to the assessments (and after she completed State training).
  - b) It is inappropriate for a former employee to name individual students taking assessments, and/or indicate specific accommodations associated with meeting the needs of each student. For more information regarding this accusation, please speak with Ms. Bowen directly so that she can respond without violating FERPA requirements.
- 23) Falsifying leaves – Suzanne & Christine – lunch
- a) Ms. Bowen and Dr. Ivie rarely leave the school. The special education clerk estimates that they left the school together 3 or 4 times during the school year. These incidents were primarily to purchase office supplies and/or education supplies for specific events or needs that were urgent. When they did leave, they ate lunch twice. This is extremely reasonable considering that neither has been absent for trainings or any other issues other than personal or family illness (which has also been rare).
  - b) If the Board of Directors is concerned about any excessive absence, they can deal with that issue when evaluating Dr. Ivie. If Dr. Ivie is concerned about excessive absences with any employees, she can deal with that issue when evaluating employees.
- 24) SPED –
- a) See detailed responses included in this letter
  - b) **Please note:** [REDACTED] had no educational reason to access special education files. In addition, there is no indication on either the file check-out log or individual file access logs, that she ever accessed these records. If she did, she violated school policies and most likely, federal and state regulations.

- c) **Also note:** [REDACTED] suggests she was asked for files, goals, etc. She would not have had access to these, nor would she have the knowledge to assess whether information was in those files. Files (or copies of files) were always in the school and available to teachers and related service providers. Unfortunately, rather than ask the special education clerk or Dr. Ivie, [REDACTED] chose to assume that information was not available and spread that untrue rumor to teachers as well as other community stakeholders. This resulted in significant stress to teachers and cost to the State (in unnecessary review by SDE officials)
- d) **It is important to note** that neither Mrs. Berry (special education clerk) nor Dr. Ivie received any other requests for additional copies of any SPED related materials from any teachers or parents during the school year (only the one referenced previously). Teachers were provided with copies of IEPs and accommodation information monthly (IEP was provided either the week before school started or when a new IEP was received by an enrolling student)

25) Teacher evals

- a) Dr. Ivie completed evaluations following the procedures outlined in the Heritage Academy Board Policy manual.
- b) [REDACTED] should not have access to any certificated staff member evaluations.
- c) Ms. Bowen provided feedback and input regarding two employees that she mentored during the 2012-13 school year. She did not discuss other teacher evaluations with Dr. Ivie or have access to any personnel information.

26) Misusing public funds

- a) Heritage Academy has had annual audits; Federal Programs monitoring visits, and visits from the SDE special education staff. All of these reviews confirmed that HA is compliant with all federal spending requirements.
- b) In addition, time reporting reflects actual time spent (by each employee) on each specific programs. Funding is used for the specific purposes of supporting each federal program. HA does not have federal funds available to support any position as a full-time position. All staff members utilize some time to support general education and/or building requirements. The employees who code time to federal programs are trained to report the time they spent of each task, under the appropriate category.
- c) Think Tank activities are targeted assistance Title I interventions and/or Special Education activities outlined on IEPs for students with disabilities. Occasionally, a student needing extra help (not on an IEP or identified through targeted assistance) used the think tank as a quiet place to work, however, paraprofessionals and teachers working in the think tank received appropriate training and followed a schedule to provide services appropriate for a tiered model of instruction and intervention. These activities were documented and progress monitoring occurred throughout the year.
- d) Note – the term “think tank” was used in order to emphasize that students had a place to get help, without making targeted assistance or students with disabilities feel singled out and like they were not as smart as other students. The room could have been called “special services” or “special education and title one” room . . . we believe “think tank” created a more positive way for targeted assistance students and students with disabilities to receive appropriate services outlined in our targeted assistance program and/or our special education program.
- e) Note: [REDACTED] and other teachers may not have known (and in some cases, should not have known) who was receiving services (if they had no educational reason to know) or what services

each student was receiving. The only people who had an educational reason to know details about these students were Ms. Bowen, Dr. Ivie, specific paraprofessionals and each child's classroom teacher.

- f) Maintenance of effort reports/calculations, SPED, and NCLB accounting reports indicate that HA spends significantly more general (state) funds on these programs than federal funds.
- g) Professional development activities funded by HA are paid for entirely through Title II funds and Title IA set-aside funds required to be used for professional development activities. These funds cannot be used for other purposes such as those suggested in [REDACTED]'s complaint.
- h) HPTO
  - i) The use of HPTO funds is approved by a faculty committee. The HA business manager and administrator may only access funds if the faculty representative has signed a request and submitted it for funding.
  - ii) The HPTO/Enrichment cluster fund account is included in the annual audit. Almost all initial funds are still in the account. Approximately \$1200 was spent by teachers for enrichment cluster activities. No funds were spent on bills for the school.
  - iii) Dr. Ivie does not "approve" specific fund categories. Those categories are outlined in the Board's approved annual budget and expenditures are coded by the business manager. If HPTO funds were used to pay outstanding bills, that would be identified during the annual audit and would be a bookkeeping issue for the Board and Dr. Ivie to discuss with the business manager (although we do not anticipate this issue given the business manager's attention to detail and positive track record based on previous audits.
- i) Cost of totes & bags for cluster lunches
  - i) Lunch totes were paid for after approval from the faculty committee. The total cost of totes and brown paper bags was under \$150
  - ii) The lunch program deficit was, in part, due to the loss of \$3000 of federal reimbursement that occurred as a result of the mismanagement of the program by former program manager [REDACTED].
- 27) Sharing confidential info
  - a) See attached consulting agreement. This agreement was suggested by SDE officials during their visit to HA. All three SDE representatives indicated that the consultation activities were allowed under IDEA.
- 28) Safety - Abandonment of classroom – think tank
  - a) Students are supervised by a highly qualified teacher or para (under the supervision of a HQT) during time in the think tank.
  - b) There were 3 incidents when a specific student left class and gathered 1<sup>st</sup> graders to work with them in the think tank. This was not approved by any staff member and was stopped as soon as the student was reported leaving class and gathering students from other classes.
- 29) Safety – no recess duty
  - a) We have always had a para or teacher on duty. Sometimes the students do not recognize the para/teacher (we have had some small/short duties so they are harder to recognize as adults), but the person is supervising
- 30) Safety – 6<sup>th</sup> grade students wandering around – calling SRO
  - a) It is unethical and violates FERPA for us to comment on specific students and outstanding student discipline issues. All students on IEPs or 504 plans are monitored and, when necessary, a

**August 15, 2013**

behavior intervention plan is implemented with specific procedures for dealing with identified behaviors.

- 31) Safety – 6<sup>th</sup> grade student leaving at lunch time (permission from Suzanne & Christine)
  - a) Students may only leave school with the permission of a parent or designated contact. If a student left during a school day, the student had permission from a parent.
- 32) Safety – criminal background checks
  - a) Criminal background checks are done in compliance with Idaho Code. Employees may be allowed to begin work (prior to receiving full reports, but after our HR director has reviewed preliminary background check information) if they are supervised (at all times) by an employee who has passed his/her criminal background check.
- 33) Minimum instruction time – subtracting enrichment cluster time
  - a) Enrichment clusters are an integral part of our academic program at HA. They are part of the Schoolwide Enrichment Model developed over 30 years ago by Dr. Joseph Renzulli (University of Connecticut). The program has a significant body of research indicating the positive impact of SEM (and enrichment clusters) on student achievement, especially in underserved and underrepresented populations (economically disadvantaged; students with disabilities; English Language Learners, etc.)
- 34) Front office file cabinet – medicine & ISAT scores unlocked
  - a) It is the responsibility of front office secretary to monitor and lock this cabinet. If [REDACTED] did not do this, she was not fulfilling part of her job responsibility.

**ADDITIONAL, DETAILED, SPECIAL EDUCATION INFORMATION:**

- Did the LEA have in effect policies, procedures and programs consistent with SDE policies and procedures? [34 CFR §300.201]

The Heritage Academy Board of Directors adopted the Idaho Special Education Manual prior to opening the school in the fall of 2011. HA adheres to all policies and procedures outlined in the manual. HA implements all federal programs associated with IDEA and the NCLB Act of ESEA.

- Did the LEA provide children with disabilities IDEA compliant IEPs? [34 CFR §300.320 (a)(1-7)]

HA IEP teams develop IEPs utilizing the process outlined in the Idaho Special Education Manual. All children that meet eligibility requirements for special education services have been provided with complete IEPs (and all IEPs are updated annually in accordance with federal requirements).

- Did the LEA ensure the IEP Team for each child with a disability included the necessary Team members and that the necessary Team members attended each student's IEP Team meeting? [34 CFR §300.321 (a) and(e)] Page 2

All team members are invited to attend IEP meetings and all IEP teams included (at a minimum): the Special Education Teacher; the School District Superintendent; the School Federal Programs & Student Assistance Team Coordinator; the General Education Teacher; the Student's Parent or Guardian; the Student (when age-appropriate) and any related-service providers associated with the child's services or disability. The school's special education clerk was also invited to meetings (to coordinate paperwork and/or take minutes), and any advocates or other team members invited by parents were included in meetings.

- Did the LEA ensure that the parent(s) of each child with a disability were provided notice and the opportunity to attend each student's IEP Team meeting? [34 CFR §300.322]

All written notices and meeting invitations were provided within the timelines established by IDEA and outlined in the Idaho Special Education Manual. Copies of all written notices and meeting invitations are included in each student's special education file.

- Did the LEA ensure that at the beginning of the 2012-2013 school year an IEP was in effect for each student with a disability? [34 CFR §300.323]

IEPs were in place before the first day of school, for all eligible students enrolled at HA. Related services were provided (as outlined on each IEP) beginning the third day of school. Academic and behavioral support services were implemented starting sometime between day 3 and day 7 of school (depending on the general education classroom activities associated with learning classroom procedures, beginning core academic instruction and getting to know typical peers in the classroom).

- Did the LEA's IEP Teams properly develop, review, and revise IEPs in compliance with IDEA? [34 §CFR 300.324]

All IEPs were reviewed upon student's enrollment at HA. If a new student's file was out of compliance when received by HA, the compliance issues were addressed as quickly as possible (within one to six weeks depending on whether the issue was related to goals, accommodations, etc. or whether it required additional meetings, evaluations, FBAs or BIP development.

- Did the LEA receive parental consent prior to the disclosure of personally identifiable information to parties other than the officials of the LEA? [34 CFR §300.622]

Personally identifiable information was not disclosed to parties other than those associated with the LEA. When information is disclosed (typically in counseling situations) the LEA uses a consent form that is FERPA and HIPAA compliant to gain parental consent.

HA does work with related service providers, school psychologists and consultants that have signed agreements with the LEA, and have agreed to follow all state and federal requirements (including FERPA requirements) when dealing with student information. These service providers access information for educational purposes only and comply with HA procedures regarding completion of access logs, restrictions in copying or retaining information, and restrictions in emailing information that is personally identifiable.

- Did the LEA ensure that classroom personnel, related service providers, and paraprofessionals had the necessary qualifications prior to providing services to a child or children with disabilities? [34 CFR §300.156]

All education professionals (teachers and paraprofessionals) and related service providers meet HQT requirements for the specific services they are providing to children with disabilities. Related service providers also meet the professional requirements necessary to provide services (SLP; OT; PT; Dev Therapist; Behavior Intervention Professional/IBI)

- Did the LEA provide children with disabilities the services set out in each child's IEP? [34 CFR §300.323 (c)(1)]

Services were provided to all students with disabilities, as outlined in each student's IEP. SLP services were cancelled (due to SLP absence) 2 days during the 2012-13 school year and may have been cancelled (by the SLP) due to overlap with evaluations – this may have occurred 4 or 5 times and I was made aware of it by a parent in April 2013. That issue was addressed with the SLP and I received another complaint on May 13<sup>th</sup>. Interviews for a new SLP began on May 16<sup>th</sup> in order to prevent the same issue from occurring during 2013-14. OT services were cancelled one day due to a conflict with a conference the OT was attending. Some special education services were disrupted (typically for 2-4 days) due to staff turnover.

- Did the LEA ensure that each regular education teacher, special education teacher, related service provider, or any other service provider responsible for the implementation of students' IEPs were informed of their responsibilities related to the IEPs? [34 CFR §300.323 (d)]

Dr. Ivie provided training to all staff members, at 4 separate teacher inservice meetings

during the 2012-13 school year. In addition, after some confusion regarding the difference between special education and Title IA arose, I met with all but 2 staff members individually to answer questions and provide a more detailed explanation. The 2 staff members were absent, but received additional training at an inservice a week later. In addition, monthly summaries of special services information (IEPs, 504s, ELPs, Referrals, etc.) were provided to all staff members (See example attached).

In addition, the following responses were provided to Dr. O'Dell, on April 5, 2013. SDE officials visited our school on April 4<sup>th</sup>, and Dr. O'Dell responded with thanking us for our time and stating, "I am impressed with your special education file set up and hope you might share your organization of records with others across the state." (email received from Dr. O'Dell on April 5)

1. The public agency must give the parent a copy of the child's IEP at no cost to the parent (300.322(2)(f))
  - Parents receive copies of their child's IEP after it is completed each year. We will check with parents of incoming (newly registered) students to determine whether they need an additional copy of the IEP that we receive from the student's previous district. We have not provided copies of IEPs from former districts in the past, but they have been available if a parent wanted to have a copy.
2. As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. (300.323(c)(2))
  - Heritage Academy students receive all special education, and related services, within the first week they are enrolled at HA. This has been the case since Sept 2012. The recent SDE visit has helped us identify confusion among some staff members regarding SPED services and Title IA services resulting in several staff members assuming students were not receiving necessary services. Additional training will be provided at the school's upcoming staff retreat and that item will be added to our fall inservice agenda, during our federal programs overview and responsibilities training.
3. Accessibility of child's IEP to teachers and others. Each public agency must ensure that-- (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of-- (i) His or her specific responsibilities related to implementing the child's IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. (300.323(d))
  - Copies of IEPs are distributed to general education teachers, special education teachers and related service providers immediately upon receipt of a student's file from a previous school, or upon development of a new IEP. In addition, since Aug 2012, the HA administrator has provided a monthly chart outlining students'

accommodations and related services for all staff members that work directly with those students. Staff members have received training (3 times during the 2012-13 school year) regarding confidentiality of student records and the requirement to keep these records locked. This concern may also have been a result of the confusion regarding Title I and SPED (with several teachers assuming they had not received IEPs, when the students in question were receiving Title IA services and not SPED services)

4. Safeguards (a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (b) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under 300.123 and 34 CFR part 99. (330.623)

- Training has been provided during 3 separate in-service meetings during the 2012-13 school year - HA is unaware of any breaches in confidentiality regarding student records.

5. Opportunity to examine records; parent participation in meetings. (a) Opportunity to examine records. The parents of a child with a disability must be afforded, in accordance with the procedures of 300.613 through 300.621, an opportunity to inspect and review all education records with respect to--(1) The identification, evaluation, and educational placement of the child; and (2) The provision of FAPE to the child. (300.501)

- Parents are invited to attend all required meetings and are provided with copies of all documents (including procedural safeguards). Parents may review records at any time the school office is open (7:45-4:15 Mon-Thurs) or request additional copies. This has been the case since August 2012.

6. Access rights (a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to 300.507 or 300.530 through 300.532, or resolution session pursuant to 300.510, and in no case more than 45 days after the request has been made. (300.613)

- Parents are provided with copies of all documents (including procedural safeguards). Parents may review records at any time the school office is open (7:45-4:15 Mon-Thurs) or request additional copies. This has been the case since August 2012. HA has received one additional parent request for documents during the 2012-13 school year. School SPED clerk made copies of requested documents to 1 parent while the parent waited.

August 15, 2013



Christina Linder, Administrator  
Professional Standards Commission  
Idaho Department of Education  
PO Box 83720  
Boise, ID 83720-0027

June 20, 2013

Dear Ms. Linder and Ms. Haas,

We respectfully submit the Heritage Academy response to the letter received from the Idaho Professional Standards Commission, dated June 12, 2013. The Heritage Board of Directors and I appreciate your attention to providing a list of concerns received in your office. Both the Board and I have always been committed to complying with all principles of the Code of Ethics for Idaho Professional Educators and the Code of Ethics for Idaho School Board Members. We are also committed to continuously improving the education program we offer our students. We recognize that the process of investigating any possible concerns helps all schools in their efforts to improve and we understand that it is the Commission's duty to investigate any potential violation of the ethical principles critical to the health and safety of students, and to the standards upheld by our profession.

We believe that the items identified in your recent correspondence reflect retaliatory comments expressed by a disgruntled former employee who was terminated for cause. While the Board and I appreciate the right that employees have to their own opinions or concerns, we are extremely concerned about the lack of adherence to the appropriate chain of command and lack of attempt, on any stakeholders' part, to bring concerns to the attention of the HA administrator or Board (in accordance with HA Board policy and employee complaint procedures). We are equally, if not more concerned, about the level of unprofessionalism displayed in regards to the gossip that was shared by this employee with other former HA employees. The serious nature of the implications from these employees' actions have been nothing but counter-productive and defamatory; both towards the certification status of our teacher mentor/Title I Coordinator Ms. Bowen and toward me.

We believe that the false claims against two of our employees and our Board constitute a serious violation of several codes of both ethics, and of Idaho Statutes regarding slander. We hope that the PSC, and any other body responsible for investigating these actions, will investigate with equal diligence, the actions of [REDACTED] (former secretary); [REDACTED] (former teacher); [REDACTED] (former teacher); [REDACTED] (former teacher), [REDACTED] (former teacher), and [REDACTED] (former teacher). We believe this group of former employees was unhappy with the level of accountability and professionalism in our school. In addition, we believe that this group of employees was involved in collaborative retaliation against our administrator (me), teacher mentor (Ms. Bowen), and the HA Board after being held accountable for poor performance during the school year. We also find it interesting that the format of the complaint, as well as the content of the complaint, mirrors the same format of the information found in confidential documents created by the school (the Board and me). This alone, leads us to conclude that

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August 15, 2013

either the employees that received some of these documents worked together on the complaint submitted to the SDE, or they illegally looked in personnel files and/or special education files that they did not have access to and/or permission to view. This is concerning to us and seems to mirror the dysfunctional pattern of behavior observed by the Board and Ms. Michelle Clement Taylor, SDE School Choice Coordinator, during the 2011-12 school year. That behavior was in response to real problems that had occurred during that school year (under a different administrator) but it still showed a lack of willingness to follow the appropriate procedures and chain of command to solve problems and address concerns.

As the PSC, Idaho Department of Education, Idaho Legislature, local school boards, and local administrators work together to ensure students receive high quality education, we believe it is important for the SDE and PSC to support boards and administrators in their efforts to deal with poor performance. We understand that investigations into complaints by disgruntled former employees such as these may be required on your part. We believe, however, that these investigations seem to undermine the shared commitment to make sure good educators stay in schools and poor educators move to different employment that may be a better fit.

After thoroughly investigating the complaints received, and seeking legal counsel regarding each of these allegations, we are providing information in response to your letter. We want to emphasize that our investigation showed that all of these allegations were false and that no further action was necessary on the part of either the Board or our administrator. We would be happy to provide you with additional information regarding our school and schedule and a time to meet with you to review the information provided in this letter. We hope that our response adequately addresses the concerns identified in your own correspondence.

We have included our response after each identified concern. In addition, we are providing brief responses to the items outlined in the complaint received by the SDE and IPCSC from a former employee (submitted in May 2013):

Please let us know if you have additional questions or need additional documentation to support the explanations in this response.

Sincerely,

  
Christine Ivie, Ed.D.  
Superintendent, LEA #479  
500 S. Lincoln Ave.  
Jerome, ID 83338

  
Amanda Bingham  
Chair, Personnel Committee  
Heritage Academy  
Jerome, ID 83338

  
Blair Crouch  
Chair, Board of Directors  
Heritage Academy  
Jerome, ID 83338

cc. Michelle Clement Taylor, Coordinator, School Choice  
Tamara Baysinger, Director, Idaho Public Charter School Commission  
Marcia Beckman, Director, Title I of ESEA  
Rich Henderson, Director, Special Education  
Joe Borton, HA Legal Counsel  
Teresa Molitor, HA Board Secretary